United Nations S/PV.4044

Security Council

Fifty-fourth Year

Provisional

4044th Meeting

Monday, 13 September 1999, 11.15 a.m.

New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. R. Al-Dosari
	Brazil	Mr. Cordeiro
	Canada	Mr. Fowler
	China	Mr. Chen Xu
	France	Mr. Teixeira da Silva
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Kamal
	Namibia	Mrs. Ashipala-Musavyi
	Russian Federation	Mr. Granovsky
	Slovenia	Mr. Žbogar
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Burleigh

Agenda

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/1999/954)

99-85762 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 11.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Western Sahara

Report of the Secretary-General on the situation concerning Western Sahara (S/1999/954)

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation concerning Western Sahara, document S/1999/954.

Members of the Council also have before them document S/1999/964, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1263 (1999).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.20 a.m.

United Nations S/PV.4045

Security Council
Fifty-fourth Year

Provisional

4045th Meeting
Wednesday, 15 September 1999, 2.15 a.m.
New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mr. Petrella
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Shen Guofang
	France	Mr. Dejammet
	Gabon	Mr. Dangue Réwaka
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Ms. Soderberg

Agenda

The situation in East Timor

Letter dated 8 September 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council (S/1999/955)

Letter dated 9 September 1999 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/1999/961)

99-85792 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 2.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in East Timor

Letter dated 8 September 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council (S/1999/955)

Letter dated 9 September 1999 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council (S/1999/961)

The President: I should like to inform the Council that I have received letters from the representatives of Australia, Finland, Indonesia, Japan, New Zealand and Portugal, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Alatas (Indonesia) and Mr. Gama (Portugal) took seats at the Council table; Mr. Downer (Australia), Ms. Rasi (Finland), Mr. Satoh (Japan) and Mr. Powles (New Zealand) took the seats reserved for them at the side of the Council Chamber.

The President: The Security Council will now continue its consideration of the item on its agenda.

Members of the Council have before them the report of the Security Council mission to Jakarta and Dili, contained in document S/1999/976. Members of the Council also have before them document S/1999/977, which contains the text of a draft resolution prepared in the course of the Council's prior consultations. Members of the Council have received photocopies of a letter dated 14 September 1999 from the Minister for Foreign Affairs of Australia addressed to the Secretary-General, which will be issued as a document of the Security Council under the symbol S/1999/975.

It is my understanding that the Security Council is ready to proceed to the vote on the draft resolution (S/1999/977) before it. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1264 (1999).

The first speaker inscribed on my list is the Minister for Foreign Affairs of Portugal, His Excellency Mr. Jaime Gama, whom I welcome and on whom I now call.

Mr. Gama (Portugal): The position of Portugal on the tragic situation in East Timor was made abundantly clear to the Security Council last Saturday; so was the firm and unequivocal condemnation by the international community of the crimes perpetrated against the East Timorese people, as was demonstrated by the impressive number of speakers who took the floor during that meeting. We have all been witnesses to the outcry of indignation that is being heard worldwide.

Sadly, the security and humanitarian conditions in East Timor have not improved since then. On the contrary, we have been confronted with alarming reports of continued brutality, of violence against refugees and internally displaced persons, of major food and medicine shortages. The United Nations Mission in East Timor (UNAMET) itself, in spite of the guarantees given by the Indonesian authorities, has been forced to withdraw from its headquarters. The same happened to Portugal's Observer Mission, created by the New York Agreements.

Those events are completely unacceptable. They are hard evidence, moreover, of Indonesia's inability to maintain peace and stability in the Territory. Indonesia

has finally recognized this fact. The eruption of violence led Portugal to call for an immediate end to this tragedy, namely through the deployment of an international military presence in East Timor with a United Nations mandate.

We therefore congratulate the Security Council for the approval of a resolution authorizing the establishment of a multinational force under a unified command structure. We see it as the first step towards restoring a security environment which, without further delay, will allow the East Timorese to begin to rebuild their lives free from any fear and interference. It will also make it possible for humanitarian assistance to reach those in such desperate need.

The multinational force will have to respond to the shocking situation on the ground. That must be the sole precondition for its structure and composition. The force must be strong and effective enough not only to immediately restore peace and stability, but also to make the fulfilment of the New York Agreements possible. It is the responsibility of the international community to ensure that the will of the East Timorese people will be respected without any additional suffering. We urge Indonesia to cooperate fully with this endeavour, in the light of the decision announced by the Indonesian Government on Sunday.

For its part, Portugal stands ready to participate in this multinational force, together with other interested countries, whose commitment we highly appreciate and commend.

The humanitarian crisis in both East and West Timor is also a matter of priority and urgency. We are encouraged by the response provided by the competent United Nations agencies and by many non-governmental organizations. The ongoing persecution of East Timorese forcibly taken to West Timor must cease immediately. Relief actions must begin at once. Here, too, Portugal is already prepared to deploy a significant aid operation, in coordination with the United Nations.

Portugal will continue to honour its commitments to the New York Agreements. We must advance, in all its components, the road map of the transition period that will ultimately lead to an independent and democratic East Timor. This entails the restoration of the confidence of the East Timorese people in this process. We are determined to continue the negotiations under the auspices of the Secretary-General, and we welcome his decision to convene a trilateral meeting that will take place tomorrow. In this spirit, the Portuguese mission which was agreed to at the last trilateral round is also ready to arrive in Dili as soon as the adequate security conditions are met.

The extent of the human rights violations that have taken place in East Timor since the announcement of the result of the popular consultation has been eloquently described in the report of the Security Council Mission to Indonesia. Those crimes cannot be allowed to remain unpunished. We are encouraged by the announcement made by the United Nations High Commissioner for Human Rights that the President of Indonesia accepted her proposal to set up a joint commission of inquiry into those violations. These endeavours have to be thoroughly pursued.

Nothing can ever justify the loss of life, the deportations and the massive destruction that have occurred in East Timor. Nevertheless, this resolution gives us confidence that the international community is resolved to support and implement the overwhelming and irreversible choice made by the East Timorese people. An independent East Timor must now be our only goal.

The President: The next speaker inscribed on my list is the Minister for Foreign Affairs of Indonesia, His Excellency Mr. Ali Alatas, whom I welcome and on whom I now call.

Mr. Alatas (Indonesia): At the meeting of the Security Council on 11 September 1999, Indonesia apprised the members of the Council of the efforts it had undertaken to restore security and tranquillity in East Timor. My delegation confirmed that Indonesia had proclaimed a state of military emergency on 7 September 1999. The proclamation provided a legal basis for measures taken to restore law and order in East Timor. And while my delegation shares the deep concern of other Member States at the incidents that had taken place at that time, we also stressed that it is and will never be the policy of the Indonesian Government to condone any form of violence under any circumstances.

Since then, important developments have taken place. Following the visit of the Indonesian Armed Forces Commander, General Wiranto, to East Timor, when he accompanied the Mission sent by the Security Council on 11 September to directly observe the effect of the declaration of a state of military emergency, the Indonesian Government again reviewed the situation in East Timor. The Indonesian Government found it regrettable indeed that despite the tireless efforts of the

Indonesian defence forces to bring the situation under control, the violence had not fully subsided. There are indeed limits to what even the armed forces can accomplish in a short time when operating in such a difficult and complex situation.

Hence, my Government came to the conclusion that it was now the appropriate time to request the United Nations for cooperation in dealing with the security situation in East Timor. President B. J. Habibie therefore announced in his address to the Indonesian nation on 12 September our readiness to accept, through the United Nations, international peacekeeping forces from friendly nations in order to restore peace and security in East Timor, to protect the people and to implement the result of the direct ballot of 30 August. He stressed:

> "Too many people have lost their lives since the beginning of the unrest, lost their homes and security. We cannot wait any longer. We have to stop the suffering and mourning immediately."

In so doing, my Government was motivated solely by the strong desire to bring the situation in East Timor under control and back to normalcy. Indonesia could not allow the killings and destruction of property to continue. While the people of East Timor await the implementation of the next phase of the 5 May Agreements, they have to be protected.

In this context, President Habibie asked me and my delegation to travel to New York forthwith to follow up on the implementation of this proposal and to discuss with the Security Council and the United Nations Secretary-General its detailed aspects.

It is in this spirit of cooperation and flexibility that the Indonesian Government has placed no conditions with regard to the multinational force to be deployed in East Timor. However, there are several details that are being worked out expeditiously between Indonesia and the United Nations at the present time, particularly clarifications regarding the deployment of the multinational force, including its composition and its command structure, as well as the modalities of cooperation defining the respective duties and responsibilities of the Indonesian defence forces and the multinational force. Indonesia's main objective throughout this whole process remains, as stated by President Habibie, to further enhance the effectiveness of our common effort to restore peace and security in East Timor as quickly as possible.

As we affirmed in the Council last week, Indonesia will also continue to cooperate with humanitarian organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC) in efforts to provide immediate assistance to the internally displaced persons. The Indonesian Government would also like to assure the Council that adequate measures would be taken for the safety and security of those rendering such humanitarian aid.

My delegation notes with appreciation the Council's prompt response to this request, as reflected in the resolution just adopted. We believe that resolution will provide a firm basis for the effective operation of the multinational force, which, we hope, will be deployed as expeditiously as possible. It is also expected to help create a secure environment for the effective discharge of the mandate entrusted to the multinational force acting under Chapter VII of the United Nations Charter.

We are further of the view that countries in the Association of South-East Asian Nations (ASEAN) region are uniquely placed to serve in the multinational force as they, more than any other countries, understand the regional characteristics, dimensions and sensitivities of the problem. Particular consideration should therefore be given to ASEAN countries' participation in the composition of such a multinational force.

It is also imperative that the multinational force conduct itself in an impartial manner so that its presence in East Timor will be credible. It should endeavour to earn the confidence of the conflicting parties involved, while ensuring that its actions do not further exacerbate an already difficult situation. Indonesia, for its part, will extend its cooperation to facilitate the accomplishment of the task entrusted to the multinational force.

Finally, Indonesia remains fully committed to the 5 May 1999 Agreements and will spare no effort to help ensure that the question of East Timor is resolved in a peaceful, honourable and fair manner. We are confident that resolution 1264 (1999) is a concrete step in that direction.

The President: The next speaker is the Minister for Foreign Affairs of Australia, His Excellency Mr. Alexander Downer, whom I welcome. I invite him to take a seat at the Council table and to make his statement.

Mr. Downer (Australia): It is with great pleasure that I address the Security Council following the adoption of this resolution authorizing the establishment of a multinational force for East Timor. We are engaged here in an historic process, launched by the landmark decision by President Habibie of Indonesia earlier this year to allow the people of East Timor to make a decision on their future.

The ballot organized by the United Nations, which took place on 30 August, saw 98.6 per cent of the registered Timorese voters cast their ballot. We were all moved by the enthusiasm with which the people of East Timor voted on their future, and we were pleased by the generally peaceful conditions in which they did so.

The world community was, therefore, all the more distressed by the violence that welded up after the ballot, and particularly after the announcement of the result of the ballot on 4 September. The international community, at the request of the Indonesian Government, now has the opportunity to assist the people of East Timor and to ensure that the process set in place by the Tripartite Agreement is seen through to its completion.

Australia welcomed the decision of the Indonesian Government to invite a multinational force to assist in restoring peace and security in East Timor. I recognize that this has not been an easy decision, and I pay tribute to President Habibie and his Government for accepting that this was the most effective way to deal with the collapse of order there since the ballot. At the Secretary-General's request, Australia is willing to accept the leadership of the multinational force, which has been authorized here today. We look forward to working with regional and other countries to build a genuinely multinational force that will, as an interim measure, help bring the tripartite process mandated by the United Nations back on track until such time as a United Nations peacekeeping operation can be deployed.

It is vitally important that the multinational force be deployed quickly. Australia is working with other contributors to ensure the earliest possible arrival of the force. We encourage the Member States that are in a position to do so to contribute generously to the trust fund being established under this resolution by the Secretary-General, in order to facilitate participation in the force by a wide range of countries.

The events of the past 10 days in East Timor have generated a pressing humanitarian crisis in East and West Timor through the massive displacement of people. In cooperation with United Nations agencies and the Indonesian Government, Australia stands ready to assist in providing urgent humanitarian assistance. The force that has been mandated today will have a role in facilitating humanitarian assistance operations.

The process established by the 5 May Agreement has provided a once-in-a-generation opportunity to resolve the problem of East Timor, an issue that has been on the United Nations agenda for almost a quarter of a century. All of us here have an interest in seeing East Timor become stable and peaceful.

The unanimous adoption of this resolution underlines our common commitment to East Timor's future. If this future is to be peaceful, reconciliation amongst the East Timorese will be critical. We are willing to assist in the process of reconciliation in whatever way we can. We urge the different groups in East Timor to work together, in cooperation with the United Nations, to put behind them the violence of the past for the sake of future generations.

I would like to pay tribute to the Secretary-General and to the staff of the United Nations Mission in East Timor (UNAMET), under the leadership of Ian Martin. Their performance, under extraordinarily difficult circumstances, brings credit to this institution. We are pleased that the mandating of the multinational force will enable UNAMET's valuable work to continue. Australia has been a significant contributor to UNAMET and will continue to support the United Nations work in East Timor.

I congratulate all participants here today on the cooperative approach that has characterized the development of this historic resolution. It is a measure of the depth of interest and concern that the world community has in this issue.

In announcing the ballot outcome, the Secretary-General said that the United Nations would not fail the people of East Timor. The Security Council's action today will give confidence to the people of East Timor that the international community will follow through on that solemn commitment.

The President: The next speaker is the representative of Finland. I invite her to take a seat at the Council table and to make her statement.

Ms. Rasi (Finland): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia — and the associated countries Cyprus and Malta, as well as the European Free Trade Association countries members of the European Economic Area — Iceland, Liechtenstein and Norway — align themselves with this statement.

The European Union is deeply appreciative of the intensive work that you, Sir, and other delegations carried out during the last days — work that resulted in the adoption of this resolution.

The European Union has on many occasions warmly welcomed the result of the popular consultation of the East Timorese people on 30 August 1999. The European Union considers imperative Indonesia's commitment to the full implementation of the 5 May 1999 Agreement between Portugal and Indonesia. We are committed to seeing the people of East Timor enjoy the independence that they have freely chosen.

The European Union condemns in the strongest terms the atrocious acts of terror in East Timor that have followed the announcement of the result of the popular consultation and that have been perpetrated with the complicity of the Indonesian armed forces and police. We would like to reiterate our position that the Government of Indonesia remains responsible for law and order in the territory.

The European Union takes note of President Habibie's announcement that Indonesia would be ready to accept an international force to help create peace in East Timor, protect the population of the territory and implement the outcome of the popular consultation. We look forward to the immediate deployment of the international force. Order, security and the rule of law must be restored immediately. The European Union welcomes the early decision by the Security Council to enable the rapid deployment of an international presence. Our attitude towards Indonesia will depend on its full cooperation with the international force.

In this context, I would like to inform the Council that the European Union Foreign Ministers, at their meeting of 13 September, agreed, for a period of four months, on an embargo on the export of arms, munitions and military equipment, a ban on the supply of equipment which might be used for internal repression or terrorism, and a suspension of bilateral military cooperation. The European Union will decide, in the light of the situation after that period, on a possible further suspension for a period to be determined.

The European Union stresses that an urgent priority is to remedy the grave humanitarian situation. We would like to express our deepest indignation at the attacks which have been mounted on humanitarian personnel, church members and human rights defenders. We urge the Indonesian Government to take no action which would further endanger the lives of internally displaced persons within East Timor. We also call on the Indonesian Government to allow the safe return of international humanitarian organizations and agencies to East Timor without delay and to grant full and immediate access for international humanitarian agencies in West Timor and elsewhere in Indonesia. They must have secure access to displaced persons to allow them safe return to their homes.

The European Union will urgently pursue the implementation of humanitarian aid and the provision, in coordination with international organizations, notably the United Nations Development Programme, of further humanitarian assistance to those in need. The European Union also supports the call of the United Nations High Commissioner for Human Rights for the convening of a special session of the Commission on Human Rights. We call for an investigative mission by that Commission to gather the facts and ascertain responsibility for the campaign of terror which followed the holding of the referendum.

The European Union pays tribute to the United Nations for the organization of the popular consultation, and to the courage and extraordinary work of the personnel of the United Nations Mission in East Timor in the most challenging of circumstances.

After the resounding vote in the popular consultation, East Timor's independence must proceed without delay, as provided for in the Agreement of 5 May 1999. The States members of the European Union look forward to recognizing East Timor once the process towards independence is complete.

We would also like to emphasize our desire to see a strong, democratic and united Indonesia.

The President: The next speaker is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Satoh (Japan): I would like to begin by extending my sincere congratulations to you, Sir, on your assumption of the presidency of the Security Council for the month of September. May I also express my Government's appreciation of your leadership during the past two weeks in guiding the work of the Council on the difficult question of East Timor.

I would like also to thank the members of the Security Council mission, led by Ambassador Andjaba of Namibia, for providing the international community with their valuable findings and assessments. Their presence in Indonesia during the past week was undoubtedly critical as the Government of Indonesia came to its important decision on 12 September.

My sincere appreciation goes also to the members of the United Nations Mission in East Timor (UNAMET), who in the face of difficult circumstances ensured that the popular consultation was carried out successfully. I wish to pay special tribute to the small number of staff members who are at this very moment striving under very severe conditions to maintain a United Nations presence in East Timor.

Japan strongly deplores the deterioration of the security situation and the grave humanitarian crisis that have occurred in East Timor since the result of the popular consultation was announced. Having received reports of unspeakable violence and destruction and of the forced displacement of large numbers of people over the course of many days, the international community welcomed the encouraging news from Jakarta over this past weekend. I would like to join the members of the Security Council and many other Member States in welcoming the courageous and very difficult decision of President Habibie to accept an international peacekeeping force. I also commend the efforts of the Foreign Minister, Mr. Alatas, who has come to New York to discuss arrangements for the early deployment of the international force.

My delegation welcomes the decision taken by the Council today in authorizing the establishment of a multinational force to restore peace and security in East Timor. It is clear that this resolution is but the first step in the difficult and complex process of restoring peace and order in East Timor and of implementing the result of the popular consultation of 30 August. The international community must cooperate in organizing and deploying the necessary forces as quickly as possible. Japan pays high tribute to those Member States, particularly Australia, which have offered to organize, lead and contribute to the multinational force in East Timor. The task confronting that force will by no means be easy, and it is absolutely essential that the Indonesian authorities extend it their full cooperation.

In the view of my delegation, the immediate task in East Timor is threefold. First, law and order in East Timor must be quickly restored. All acts of violence must end immediately. The forced displacement of people to West Timor must cease immediately. The Indonesian Government, particularly the military authorities, have a grave responsibility for the security of East Timor. Japan calls upon the Indonesian authorities concerned to cooperate fully with the multinational force to facilitate the process of its deployment and the implementation of its mandate.

Another task is to ensure an appropriate environment in which the UNAMET staff can return to East Timor and in which the Mission can resume its operations in accordance with the 5 May tripartite Agreement. Japan is particularly concerned for the safety of UNAMET personnel remaining in Dili and the conditions surrounding them.

Finally, an environment in which humanitarian activities can be safely carried out must be established immediately so that assistance can be extended to those who have been the victims of violence and whose homes and property have been destroyed. We welcome the Indonesian Government's intention to accept international humanitarian assistance. But here again, it is imperative that an environment be established in which humanitarian organizations can function safely and effectively, and that the Indonesian Government fully cooperate with the multinational force in facilitating humanitarian assistance operations.

Japan, as a long-standing and very close friend, has conveyed to the Government of Indonesia its views as well as those of the international community on the importance of accepting international assistance to restore security in East Timor. Now that the Security Council resolution has been accepted, Japan will continue to provide support and assistance to the political and humanitarian process of restoring peace in East Timor and to the implementation of the result of the ballot of 30 August. As Prime Minister Keizo Obuchi announced on 13 September in Auckland, Japan is committed to making the utmost efforts to ensure the stability of East Timor. My Government will, through the United Nations, make financial contributions to the multinational force and will

also provide emergency humanitarian assistance. We are also determined to provide assistance for the rehabilitation and development of East Timor. My Government will announce the details of Japan's contribution in the very near future.

In pursuing the goals stipulated in the Security Council resolution adopted today, it must also be borne in mind that Indonesia itself is at a precarious stage in its democratization process, which the Government and the people of Indonesia are pursuing in the face of tremendous economic difficulties. The commitment to democracy, the rule of law, economic reform and human rights reiterated by President Habibie on 12 September clearly demonstrates that Indonesia is a country which shares the cherished values of the international community, and we must welcome his commitment. It is important for the international community to keep this broader picture in mind as it continues to address this difficult issue.

The President: I thank the representative of Japan for the kind words he addressed to me and to my predecessor, the head of the Council Mission to Indonesia and Dili.

The next speaker is the representative of New Zealand. I invite him to take a seat at the Council table and to make his statement.

Mr. Powles (New Zealand): New Zealand welcomes the Council's adoption this morning of the resolution authorizing the deployment of a multinational force to East Timor in response to the Indonesian Government's decision to invite an international peacekeeping presence through the United Nations. My country will be among the earliest participants, with others from the region.

Speed is of the essence in view of the gravity of the humanitarian situation in East Timor. We welcome Indonesia's pledges of full cooperation in dealing with the crisis. Cooperation from all arms of the Indonesian Government will be critical to the success of the operation authorized this morning. New Zealand was among those countries which urged Indonesia to invite an international peacekeeping presence. We did so as a friend and regional partner, and we are gratified by the response of the Indonesian Government. In responding to the crisis in East Timor we have sought to be helpful, constructive and forward-looking. We welcome Australia's role in making this multinational force possible.

While it has proved necessary at this time for the Council to establish a multinational force in view of the urgency of the situation, I would like to place on record New Zealand's expectation of its early replacement by a United Nations peacekeeping operation, as envisaged in the resolution. We look forward to seeing the Secretary-General's recommendations to the Security Council in this regard as soon as possible.

The President: There are no further speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The Security Council will remain seized of the matter.

The meeting rose at 2.55 a.m.

United Nations S/PV.4046

Security Council
Fifty-fourth Year

Provisional

4046th Meeting
Thursday, 16 September 1999, 10.30 a.m.
New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mrs. Martínez Ríos
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Essonghé
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Holbrooke

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957)

99-85798 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was called to order at 11.35 a.m.

Welcome to the Deputy Foreign Minister for Humanitarian Affairs of Argentina

The President: At the outset, I should like to acknowledge and welcome the presence of the Deputy Foreign Minister for Humanitarian Affairs of Argentina, Her Excellency Ms. Alicia Martínez Ríos.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957)

The President: I should like to inform the Council that I have received letters from the representatives of Botswana, Egypt, Finland, India, Iraq, Japan, Mongolia, Norway, the Republic of Korea, Rwanda, Slovakia, South Africa, the former Yugoslav Republic of Macedonia, Tunisia and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Legwaila (Botswana), Mr. Aboul Gheit (Egypt), Ms. Korpi (Finland), Mr. Sharma (India), Mr. Hasan (Iraq), Mr. Takasu (Japan), Mr. Enkhsaikhan (Mongolia), Mr. Kolby (Norway), Mr. Lee See-Young (Republic of Korea), Mr. Mutaboba (Rwanda), Mr. Tomka (Slovakia), Mr. Kumalo (South Africa), Mr. Calovski (the former Yugoslav Republic of Macedonia), Mr. Hachani (Tunisia) and Mr. Yel'chenko (Ukraine) took the seats reserved for them at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 10 September 1999 from the Permanent Observer of Palestine to the United Nations, which has been issued as document S/1999/980, and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite Ambassador Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the upcoming meetings of the Security Council, beginning on Thursday, 16 September 1999, regarding civilians in armed conflict".

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine), took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, if I hear no objection, I shall take it that the Security Council agrees to extend an invitation to the Permanent Observer of Switzerland to the United Nations to participate in the discussion, without the right to vote.

There being no objection, it is so decided.

At the invitation of the President, Mr. Maurer (Switzerland), took the seat reserved for him at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mrs. Sylvie Junod, head of the delegation of the International Committee of the Red Cross to the United Nations.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General to the Security Council on the protection of civilians in armed conflict, document S/1999/957.

I give the floor to the Secretary-General.

The Secretary-General: I am pleased to have the opportunity to present to the Security Council my report on the protection of civilians in armed conflict. This report takes as a starting-point the worst acts of humankind and calls for our best efforts to defend civilians where they are most imperiled.

More than just the victims of crossfire, civilians have themselves become the targets in today's conflicts. During the past decade, many millions have been killed. Over 30 million have been displaced, and countless men, women and children have been denied access to life-saving food and medicine. These statistics are made all the more shocking by the calculated methods used by so many belligerents. We have observed in each of the five continents that belligerents are increasingly taking care to avoid direct confrontation with each other. Instead, their favourite strategy is to gain ground in the exercise of terror against defenceless civilians. Their actions, regardless of any reason that may motivate their struggle, demonstrate a shocking disregard for human life and human values.

The Emergency Relief Coordinator addressed this issue in January in a meeting of the Security Council. Eight months later, it is fair to ask whether the situation has changed. Has there been any improvement?

Since January, conflicts have erupted or have been reignited or intensified in Angola, Colombia, Sierra Leone, Kosovo and East Timor. Each of these situations reminds us in different ways of the scale of commitment needed to transform a fragile ceasefire into a secure and stable peace. Years of careful work in Angola have been undone by the desire of warring parties to control economic resources. The Lusaka Protocol has collapsed and the civilian population is paying dearly for this failure. Many have lost their lives and hundreds of thousands are again displaced.

In Sierra Leone, too, the quest for power and control of economic resources has driven belligerents to acts of depravity. The mutilation of so many people demonstrates that international law means nothing without effective measures to back it up.

In East Timor, the international community is faced with another situation where human rights have become a casualty of aggression. Militia groups are attempting by a campaign of terror to overturn the results of a democratic poll in which they were overwhelmingly defeated.

None of these countries at present has the institutions or the democratic political culture necessary for peace to take hold. They all require sustained and comprehensive efforts to support those who favour peace over war, stability over banditry. To ensure that these crises are brought to an end, the United Nations must be ready to respond with more than meetings, speeches and reports. It must take action in the name of the principles of the Charter and the values of humanity. The essence of the United Nations work is to establish human security where it is no longer present, where it is under threat or where it never existed. This is our humanitarian imperative.

We are at the end of a century that has seen the creation and refinement of much of the corpus of international law. Yet civilians have rarely been so vulnerable. That the conventions of international humanitarian and human rights law are being disregarded so wilfully by combatants and are being enforced only sporadically by the international community is deeply disturbing.

Contained in this report are a total of 40 concrete recommendations which I believe can help to improve the security of civilians in armed conflict. These recommendations provide the Council with tools and strategies which it can use to respond to particular situations. To make the best use of these tools, the Council may wish to set up a standing mechanism through which it can seek expert advice on specific issues. Such a mechanism would allow the Council to develop a range of responses to deal with issues of legal protection, prevention of conflicts and physical protection.

The Council should make use of this expertise not simply for briefings on humanitarian situations, but as a source of concrete solutions to the problems being confronted. For example, recommendation 39 refers to humanitarian and security zones. In situations where such options are being considered, expert advice may be sought from the Secretariat or elsewhere. All the recommendations but the last could help to prevent future

hostilities and assist in the protection of civilians already in armed conflict.

Tragically, they will not always be enough. If they are not, the final recommendation on enforcement action will need to be taken. There must, of course, be objective criteria to determine the threshold for any form of intervention, but its use must always be on the table. There is no doubt that enforcement action is a difficult step to take. It often goes against political or other interests, but there are universal principles and values which supersede such interests and the protection of civilians is one of them.

I have given high priority to the protection of civilians in armed conflict and am willing to work in close support of the Security Council. I am prepared to use my good offices to put in place a system of monitoring progress in the implementation of the 40 recommendations that we have made and to report back to the Council on a regular basis. The Council should then be able to measure its progress and evaluate the effectiveness of its efforts.

Those who founded the United Nations believed that, despite a bloodied history, humanity was ultimately redeemable. Yet we see that civilians are still forced from their homes; driven to borders which are open one minute and closed the next; forced into hiding; separated from their families; made to act as human shields; stripped of their identities; and callously killed. The plight of civilians is no longer something which can be neglected or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization.

Failure to address these issues would erode the respect of the Council's resolutions and so diminish the authority of the United Nations as a whole. More importantly, it would take away the one thing that sustains the many millions who have lost all in conflict: the hope that something called "the international community" is willing to uphold the basic dignity of humankind.

Mr. President, with your permission, I would ask Mrs. Robinson to make a brief statement.

The President: At the Secretary-General's request, I now call on Mrs. Mary Robinson, United Nations High Commissioner for Human Rights.

Mrs. Robinson (High Commissioner for Human Rights): I warmly welcome this opportunity to address members of the Security Council. I wish to express my appreciation to the Council for having commissioned this report on the protection of civilians in armed conflict and I thank the Secretary-General for an excellent, clear and concise document.

I am pleased to be here today, as the report raises issues close to my heart. The report accurately reflects the innumerable challenges which the United Nations faces in its work and so many of the human rights issues which my staff and I address on a daily basis. My Office is more than willing to play its part in implementing the report's constructive recommendations on the effective implementation of international human rights, humanitarian and refugee law and on the prevention of gross violations of human right so crucial to national and regional stability and thus to international peace and security.

As High Commissioner for Human Rights, I have assumed a burden of listening: listening to the pain and anguish of victims of violations; listening to the anxieties and fears of human rights defenders. I am glad to share this burden with the members of the Council today because they have the power and possibilities to alleviate the pain and to prevent some of the anxieties being realized.

If I refer to East Timor first it is because the terrible events of recent days are so fresh in my mind. The awful abuses committed in East Timor have shocked the world — and rightly so, since it would be hard to conceive of a more blatant assault on the rights of hundreds of thousands of innocent civilians. The murders, maimings, rapes and countless other atrocities committed by the militias, with the involvement of elements of the security forces, were especially repugnant because they came in the aftermath of the free expression of the wishes of the East Timorese people about their political future.

I saw evidence of a well-planned and systematic policy of killings, displacement, destruction of property and intimidation. There must be accountability for the grave violations committed in East Timor. My recommendation is the establishment of an international commission of inquiry to gather and analyze evidence of the events in East Timor.

What happened in East Timor is a graphic example of the plight of civilians in conflict situations. And East Timor is just the latest example. In the former Yugoslavia I met women and girls who had been sexually

assaulted, raped and forced into sexual slavery. In Sierra Leone I met children whose arms or legs had been brutally cut off during the civil war. I listened to accounts of children being abducted by rebels and sent to training centres or directly to the battlefront. Children were forced to attack their own villages and families and commit the most horrendous atrocities. Many of these child soldiers have been killed, while others have been maimed and psychologically scarred for life. In Colombia and Cambodia human rights defenders vividly described the climate of violence in which they were carrying on their activities at great personal risk. Reports from Angola tell how rebels provoked a mass movement of displaced persons desperate to reach the relatively safe haven of provincial capitals.

It had been expected that the collapse of superpower rivalry would lead to a reduction in conflict, but the decline in inter-State fighting has been more than made up for in the growth of vicious internal conflicts, often unpredictable and volatile. These are conflicts that drag on for years without settlement or that flare up afresh when peace seemed to be at hand. The village has become the battlefield and the civilian population the primary target. Girls and women are routinely subjected to sexual abuse and gender-based violence. Children are recruited and kidnapped to become child soldiers, forced to give violent expression to the hatreds of adults.

Both the Secretary-General's report and my own experiences bring home the reality: civilians are no longer just victims of war, today they are regarded as instruments of war. The starving, terrorizing, murdering and raping of civilians — all are seen as legitimate. Sex is no defence, nor is age. Indeed, it is women, children and the elderly who are often at greatest risk. That is a strange, terrible state of affairs in the year after we commemorated the fiftieth anniversary of the Universal Declaration of Human Rights. It is not sufficient that we be appalled by the brutality of today's armed conflicts. We must learn from the analysis of the plight of civilians in armed conflicts and seek ways to address the problem effectively.

Conflicts almost always lead to massive human rights violations, but also erupt because human rights are violated due to oppression, inequality, discrimination and poverty. These conditions are exacerbated when the State is too weak or unable to address them efficiently. Human rights violations are thus both a consequence of and a contributing factor to instability and further conflict. And as a result of globalization and increasing interdependence between States, conflicts which are essentially internal often have spillover effects beyond national borders.

As so clearly underscored by the Secretary-General in his report, there is an intrinsic link between systematic and widespread violations of the rights of civilians and the erosion of international peace and security. For example, in Iraq and the former Yugoslavia the Security Council has recognized that the repression of the civilian population has led to consequences that threatened peace and security in the region. Human security has become synonymous with international security. Human security can be guaranteed only through the full respect of all fundamental rights. This intrinsic link demands the attention and action of the Security Council in the field of human rights protection and the prevention of massive and gross violations.

The first need today is not that we write new laws, but that we implement what already exists in the field, close to the victims and where it really matters. To this end I wish to express my support for those recommendations in the report which call on States to ratify all of the international instruments in the areas of human rights, humanitarian and refugee law, to withdraw reservations and, most importantly, to comply fully with their provisions. Could we not also take the concrete step of raising the minimum age for participation in hostilities to 18 years?

A serious issue which must be addressed is accountability. We are increasingly being faced with the dilemma of having to stop atrocities being committed and seeking avenues for the peaceful settlement of conflicts on the one hand, while needing to hold accountable and punish the perpetrators of human rights violations, on the other. To grant amnesty to the authors of the most atrocious crimes for the sake of peace and reconciliation may be tempting, but it contradicts the purpose and principles of the United Nations Charter, as well as internationally observed principles and standards. For these reasons, the recommendations in the Secretary General's report on enforcing accountability for war crimes and on measures to deter and contain those guilty of egregious human rights violations are especially important.

I wish to commend the Security Council for having established the two ad hoc Tribunals for the former Yugoslavia and Rwanda. I warmly welcome the adoption of the Statute of the International Criminal Court, providing jurisdiction over three core crimes of genocide,

crimes against humanity and war crimes. We must move forward now and ensure that our collective support for the establishment of an effective International Criminal Court will, through the speedy ratification of its Statute, be a significant milestone in the struggle to strengthen respect for human rights and humanitarian and refugee law.

The best protection for civilians in armed conflict is prevention. By addressing the root causes of conflict and seeking to defuse tensions, the atrocities and violations of fundamental rights committed during armed conflict can be prevented. The major building blocks for peace-building and reconciliation are good governance, the rule of law, respect for human rights, a strong civil society and institutions which can guarantee an environment conducive to stability and peace.

The Security Council has a vital role to play, both at the prevention stage and, should that fail, in the deployment of peacekeepers to minimize the impact of conflict on civilians.

After reading the Secretary-General's report and hearing his presentation of it today, nobody could any longer complain that they did not realize how bad the situation facing civilians in today's armed conflicts was. It should be our collective goal to implement the recommendations of the report and so develop enforceable mechanisms for the protection of civilians in armed conflict. This is the only way we will deliver on our promises to guarantee a life of respect, dignity and human rights for all.

Mr. Fowler (Canada) (*spoke in French*): I would first like to express my appreciation, Sir, to your Government, the Government of the Netherlands, for holding this debate. In our eight months on the Council, we have repeatedly witnessed how human rights abuses, attacks on humanitarian workers, forced displacement and other civilian suffering can have a devastating impact on international peace and security, whether in Angola, Afghanistan, Sierra Leone, the Democratic Republic of the Congo, Kosovo or now in East Timor. We, the members of the Security Council, have expressed our outrage at such attacks against civilians, but we have often come up short in ameliorating the plight of those whose lives are being ruined mercilessly.

I would like to congratulate the Secretary-General and his colleagues in the Secretariat and on the Inter-Agency Standing Committee for producing this important report. In particular I would like to thank the Office for the Coordination of Humanitarian Affairs and the United Nations High Commissioner for Human Rights for their tremendous contributions. The report clearly reveals the realities faced by ordinary people caught up in armed conflict. It builds effectively on previous analyses and reports presented to the Council and provides concrete, practical recommendations for enhancing civilian protection before, at the onset of and during armed conflict. These recommendations do not put the onus solely on combatants but rather highlight the responsibilities of the international community to improve the plight of war-affected populations. We believe these ideas must be vigorously pursued both within the Council and elsewhere.

We are pleased that the report highlights the discriminatory nature of armed conflict, focusing on how men and women suffer differently. This aspect has too often been absent from analyses presented to the Council. The report also identifies several forms of gender-based violence, in particular the dramatic increase in female-headed households in war-torn societies. It also underscores the fact that women and children comprise the vast majority of refugees and internally displaced persons. The Canadian Government would also like to take this opportunity to applaud the Secretary-General's personal commitment to this issue, a commitment evident in the many actions identified within the report for follow-up by his office.

Canada raised the protection of civilians in armed conflict as a subject for discussion during our presidency last February because of its all-too-clear salience for the Security Council. Civilians are disproportionately affected by contemporary armed conflicts. It is often a deliberate strategy of the combatants to injure and kill civilians and to force them to flee. Access to humanitarian relief for civilians is frequently denied, and humanitarian and peacekeeping personnel seeking to come to their aid and to mitigate their suffering increasingly find themselves at risk. The presence of combatants in camps for internationally and internally displaced persons only adds to the vulnerability of civilians and often destabilizes entire regions. The widespread availability of small arms, light weapons and landmines significantly heightens the risks to civilians and has devastating implications for reconstruction.

These concerns are at the heart of our efforts to enhance human security, and the role of the Security Council in this regard is paramount. The protection of civilians must be one of the primary imperatives for

collective international action. The Council has been increasingly attentive to such concerns — I would note the recent resolutions on war-affected children and on Sierra Leone as examples. This evolution is critically important and most welcome, as it clearly shows that the Council recognizes that the future will not lack for situations in which civilians are put appallingly at risk. The Council must meet these challenges directly and creatively. More vigorous efforts will be required to ensure that the Security Council has both the tools and the will to grapple effectively with these threats that afflict people and their communities, in addition to maintaining its traditional focus on the security of States.

We believe that the recommendations emerging from the excellent report before us will help to achieve the goal of keeping the protection of the most vulnerable at the forefront of the Council's agenda and, as the Secretary-General has suggested, of helping to achieve a "climate of compliance".

(*spoke in English*)

Canada strongly supports the Secretary-General's emphasis on prevention. Concerted and comprehensive efforts aimed at addressing the root causes of instability and conflict truly are the best way to enhance the protection of civilians while guaranteeing that they have reasonable development prospects. Effective prevention, of course, requires vision, commitment and the willingness to engage.

Above all, this means instilling a culture of timely and rapid response to developing crises. We support the Secretary- General's suggestion that the Council make greater use of Articles 34, 35 and 36 of the Charter, which, respectively, allow the Council to investigate any situation, allow any Member State to bring any dispute to the Council's attention, and allow the Council to recommend procedures for the peaceful settlement of disputes at any stage. We also welcome the recommendation to strengthen the relevance of Article 99, which allows the Secretary-General to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

The Council should also contrive to see that it is provided with accurate information on deteriorating human rights situations and should become more comfortable with the concept of preventive peacekeeping operations and/or monitoring which, regrettably, are ideas that remain elusive and all too theoretical.

We welcome, as we have many times before, the call to enhance the United Nations stand-by arrangements, including the kind of rapidly deployable mission-headquarters capacity we have been advocating for five years, and which would have served us so well over the past few days as we sought to come to grips with the deteriorating situation in East Timor. Such proactive efforts by the Council could make a real difference.

We know, of course, that our world is not likely to become significantly less perilous. We must therefore be prepared to draw on a wide range of instruments and initiatives designed to enhance both legal and physical protection for civilians in situations of armed conflict.

A considerable body of international law exists to regulate the conduct of conflicts. The challenge confronting States and citizens is to promote knowledge of and respect for international humanitarian, human rights and refugee law and standards and to hold accountable those who violate them. In this regard, I welcome the Secretary-General's emphasis on the importance of training and of the dissemination of relevant information at the national, regional and international levels.

We must also bring an end to what have clearly been cultures of impunity. To do this, Member States need to adopt and implement national legislation which would make possible the prosecution of individuals who commit war crimes or grave breaches of humanitarian law, and which would provide for the handing over of such persons for trial by another State with jurisdiction, or by a duly constituted international tribunal. The Security Council should make every effort to ensure compliance with the two existing ad hoc tribunals, and, pending what we hope will soon be the establishment of a functioning International Criminal Court, the Council must stand ready to endorse the creation of further interim international arrangements to make it possible those responsible for war crimes, crimes against humanity and genocide to be held accountable.

Canada is pleased tha he Secretary-General's report highlights several gaps in existing international law that have serious ramifications for war-affected civilians and humanitarian personnel. In particular, Canada welcomes the emphasis on raising the age of recruitment and

participation in hostilities, and supports the early adoption of an optional protocol to the Convention on the Rights of the Child on the situation of children in armed conflict. Canada is also fully supportive of the Secretary-General's focus on addressing the rights and needs of internally displaced persons in situations of armed conflict, and on further strengthening the requirements for the safety and security of humanitarian personnel, including locally engaged staff.

The consistent denouncement by the Council of the use of child soldiers and of the targeting of relief workers carries significant weight and can precipitate the development of new norms. We urge our colleagues on the Council to focus attention on these matters and to declare our collective intention to pursue them vigorously both here and in other forums.

Given the types of contemporary conflicts with which the Security Council must grapple, there is one matter which is especially vexing and which requires particular attention. I am referring to the behaviour of non-State military entities. Increasingly, civilian casualties and forced displacements take place within the context of intra-State armed conflict, where the principal protagonists include irregular armies with ambiguous chains of command, and where outside economic interests often try to curry favour with belligerents out of immediate self-interest and with little regard for the humanitarian implications of their actions. How can we induce non-State actors to comply with international humanitarian and human rights law and hold them accountable for such violations? How do we compel their compliance with Security Council decisions? The non-State military include not only irregular armies and rebel groups, but also private-sector organizations and ubiquitous "security firms" whose activities can often exacerbate civilian suffering during war, as has clearly been the case for example in Liberia and Sierra Leone. We would welcome an opportunity to further explore this question, including the intriguing proposal of the Secretary-General that means be found to hold combatants financially liable in instances where civilians have been targeted deliberately.

While the international community has invested considerable attention and energy in enhancing legal protection, the means for strengthening the physical protection of civilians are less well defined and well developed. The need for the Security Council to develop the political, diplomatic, peacekeeping and enforcement measures required to tackle this aspect of civilian protection has become increasingly evident. This is true both because of the increased demand that we "do something" when gross and systematic violations of human rights and humanitarian law occur, and also because the new international security environment makes it more feasible to do so.

Clearly, we have only just begun to adapt our international management tools to these new realities, and, indeed, our mind-sets to the task of strengthening our capacity to protect masses of vulnerable people effectively. If we are serious about the need to provide better protection to civilians in situations of armed conflict, the Council, and the United Nations more generally, will have to tackle these components of the Secretary-General's report very directly, which will by no means be easy or always politically popular.

We believe that several important initiatives have been advanced in this report which merit further analysis. These include: assessing how and when peacekeeping and enforcement operations might better address civilian protection, and ensuring that their mandates are designed from the outset to facilitate this task; appointing an ombudsman for peacekeeping operations; ensuring that gender-specific and child-focused protection and assistance requirements are addressed in peacekeeping and peace-building operations; making greater use of targeted sanctions, including in situations in which humanitarian access is denied or obstructed, and establishing a permanent technical review mechanism of United Nations and regional sanctions regimes; imposing, monitoring and enforcing effective arms embargoes that will serve to interdict those categories of weapons which target and terrorize civilians and protected persons, particularly small arms and light weapons and their ammunition; examining the applicability and desirability of establishing humanitarian zones and safe corridors; and identifying the means for separating combatants and armed elements from refugee populations.

These recommendations will benefit greatly from further consultation among Security Council members, troop contributing countries, the Secretariat, United Nations operational programmes and agencies, the Red Cross and a variety of regional and subregional organizations.

We strongly support a process of detailed and thorough follow-up to the key recommendations contained in the Secretary-General's report. This is necessary if we are to flesh out some of the more challenging initiatives, in particular those which relate to physical protection.

As my delegation noted in February, the plight of civilians in situations of armed conflict is urgent, growing and global. We thank the Secretary-General for this report. It is timely, and it offers a valuable opportunity to enhance the Council's role and capacity. These issues must sustain our attention, as we have both the authority and the mandate to address them within the Security Council. And while the Council must play the lead role, other forums and many other experts both within and outside the United Nations system will also be vital to the success of this endeavour.

The President: I should like to inform the Council that I have received letters from the representatives of Israel and the Philippines, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Gold (Israel) and Mr. Mabilangan (Philippines) took the seats reserved for them at the side of the Council Chamber.

Mr. Türk (Slovenia): Let me begin by expressing our appreciation to you, Mr. President, for organizing today's open debate on the situation of civilians in armed conflict. Six months have elapsed since the Security Council held its first open debate on the subject and issued a presidential statement, under the Canadian presidency. It is timely for the Council to focus again on the plight of civilians in armed conflict. We would also like to thank the Secretary-General for his opening remarks today and for the excellent report which addresses the situation of civilians in armed conflict in a very comprehensive and effective manner. The report contains a number of concrete and useful recommendations to the Security Council, which deserve our full attention and careful consideration. We are also grateful to Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights, for her remarks, and to Mr. Sergio Vieira de Mello, the Under-Secretary-General for Humanitarian Affairs, for his committed and effective work.

The recent conflicts around the world have been devastating for civilians. Deliberate attacks against civilians have become an abhorrent standard feature of many contemporary armed conflicts. The fate of children is particularly appalling. The norms of international humanitarian and human rights law that set standards for conduct in conflict situations are flagrantly violated by belligerent parties. It is therefore of the utmost importance to promote a "climate of compliance", to borrow a term used in the Secretary-General's report, and to enforce respect for existing norms of international humanitarian, human rights and refugee law. Those responsible for violations of those norms have to be brought to justice. It is a duty of all States to prevent impunity through their national systems of justice as well as through an effective International Criminal Court. The idea of holding combatants financially liable to their victims, also advocated by the Secretary-General, could be a helpful step in the direction of giving practical effect to substantive norms of humanitarian law.

The problem of civilians in armed conflict has many aspects. The legal aspect is one of them. However, the key to human security is to ensure physical rather than only legal protection. We are convinced that the current spirit of resolve in the Security Council to make progress in that direction could lead to real improvement. This is an important priority of our time.

One of the answers is in the evolution of peacekeeping. The concept of peacekeeping operations that recognizes the multidisciplinary nature of such operations is evolving. These operations are not limited only to the military component but increasingly include tasks such as civilian police activities, humanitarian assistance, disarmament and demobilization measures and human rights monitoring.

The protection of the civilian population requires action, taking into account the special needs of women, children and other vulnerable people. Access by the humanitarian organizations to the people in need is critical to ameliorating the situation of civilians in armed conflict and, indeed, to helping them survive. The work of the humanitarian organizations on the ground is indispensable. It is crucial that parties to the conflict ensure safe and unimpeded access to civilians in need and that the safety and security of humanitarian personnel is preserved. The Security Council should play a significant role in bringing pressure to bear on the parties in that regard.

It is appropriate for the members of the Security Council to continue to ask themselves what their proper role is in dealing with humanitarian problems. The report

of the Secretary-General is a useful reminder of the basic role of the Security Council in situations which generate humanitarian problems. According to the United Nations Charter, the Security Council has the primary responsibility for international peace and security. In other words, the task of the Council is to prevent military conflicts and, if they occur, to make a meaningful contribution towards their resolution. Furthermore, after the end of military conflicts the Council has a responsibility to enable transition to post-conflict peace-building.

The primacy of these essentially political purposes of the Security Council must be always borne in mind. When addressing humanitarian issues, the Council must avoid the trap of using humanitarian action as a substitute for the necessary political or military action.

We are therefore grateful to the Secretary-General for his ideas expressed in the report and for his bold approach to the issues of political and military action in cases of systematic and widespread violations of international law, especially those ideas expressed in paragraph 67 of his report. His ideas represent a real help to the Security Council. They remind us that the Council should address the difficult issues directly. In many situations hard choices are necessary and the Security Council should have a proper policy approach in addressing them. The Secretary-General has offered a basic outline of such an approach and the Security Council must study that suggestion carefully.

Today, my delegation does not wish to attempt a comprehensive elaboration of all the Secretary-General's recommendations. Instead, I wish to offer the following four comments on the question of enforcement action in cases of systematic violations of humanitarian principles, as embodied in paragraph 67 of the report before us.

First, the political, conceptual and terminological clarity needs to be assured. Moreover, it has to be recalled that enforcement action in cases of systematic and widespread violations of humanitarian law is permissible under the contemporary *lex lata*, the applicable international law. Let me, by way of illustration, remind the Council of Article VIII of the Convention on the Prevention and Punishment of Crime of Genocide, which stipulates:

> "Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

This is an authorization which has been available to the Security Council for more than four decades.

Suppression of genocide necessarily involves the option of enforcement action, based upon appropriate and legitimate decisions of the competent organs of the international community. One of the problems in this regard has been the reluctance of States Members of the United Nations and parties to the Convention to avail themselves of this mechanism when necessary.

Secondly, the notion of enforcement action necessarily requires collective action, authorized by a competent international body, in accordance with the Charter of the United Nations. The Security Council, with its primary responsibility for the maintenance of international peace and security, has a central, albeit not necessarily exclusive, role in this context.

The Security Council must use its powers wisely and in accordance with the Charter of the United Nations. That means that it must not act prematurely or in any way in contravention of international law. However, on the other hand, the Council must not shy away from its responsibilities in the face of an emerging humanitarian disaster.

Thirdly, the Secretary-General offered five factors or, perhaps, conditions which need to be considered to determine the legitimacy of enforcement action. They range from the assessment of the scope and systematic character of the violations of international human rights and humanitarian law to the principle of proportionality of the use of force. These factors could provide useful guidance to the Security Council in its decision-making in future specific situations. The Council should aim at consistency in its practice and should use objective criteria in its decision-making. The decision of the Council and Council members, including the decisions by the permanent members who may resort to the threat or use of the veto, should be based on such objective criteria. While considerations of national interest cannot be completely excluded from decision-making, they should be restrained and not used as an impediment for the Council's action when action is legitimate and necessary. The recent experience with the preparation of resolution 1264 (1999) on the situation in East Timor demonstrates that decision-making based predominantly

on the principles of international law and the needs of the international community as a whole is possible.

Fourthly, and finally, the Security Council needs to be consistent in its practice and to refine its general policy framework without any unnecessary formalization. It should be clear that the Council is not seeking to revive the doctrines of humanitarian intervention known from earlier historical periods. On the other hand, the Council needs to uphold its responsibility under the Charter in practice, and this requires occasional resort to enforcement action.

We believe that on the basis of such an understanding and with the advantage provided by the Secretary-General's recommendations, the Council can take a significant step forward in developing its policies and practices aiming at the effective protection of civilians in armed conflicts.

Slovenia also supports the draft resolution which is before us today and will vote in its favour. We look forward to the continuation of the discussion within the Council on the Secretary-General's recommendations and on identification of the means for their effective implementation.

Mr. Fonseca (Brazil): My delegation is grateful to the Secretary-General for his comprehensive report and especially for the clear and encompassing measures he proposes for tackling the problem of the protection of civilians in armed conflict. I welcome also the presence of Mr. Vieira de Mello among us. His commitment to humanitarian causes is always inspiring.

Since the Council held its last debate on this issue, new conflicts have broken out. The aggravation of conflicts in Africa and East Timor have taken a heavy toll on the civilians caught in those situations. We commend the role of the High Commissioner for Human Rights throughout the tragic events in East Timor, and we firmly support her recommendation that the atrocities and violations of human rights committed in East Timor be investigated and punished.

According to a study quoted in the June issue of the Red Cross *Review*, civilians accounted for 5 per cent of the victims of the First World War, whereas the estimated toll for the armed conflicts of the 1990s has reached some 90 per cent. These figures are sufficient to depict the unspeakable magnitude of the human disasters to which we bear witness nowadays.

Atrocities are being committed every day in the name of religious beliefs, ethnic or national origin, and political loyalty. The humanitarian catastrophes in Kosovo, Angola and East Timor constitute telltale signs in this regard. It seems that the whole legacy of human reason has given way to a moral vacuum in which everything is permissible.

Fortunately, the Security Council's readiness to deal with this problem is evidence of the political will to change the present reality and start weaving a safety net for civilians affected by armed conflict, especially the most vulnerable groups, such as children, women and the elderly.

Since the presidential statement of 12 February 1999 concerning the protection of civilians, the Security Council has grappled with other related matters, particularly the question of humanitarian assistance to refugees in Africa and the plight of children affected by armed conflict.

The Security Council can and must contribute to the effort of promoting a climate of compliance, that is, to halt flagrant and grave violations of universally accepted international humanitarian and human rights law. The imperative of ensuring that humanitarian relief is safely provided as a collective responsibility should not automatically imply the involvement of the Security Council in these matters. There are situations of massive abuses that may pose real threats to international peace and security. In those cases, the option of enforcement action should not be ruled out. The contribution made by Ambassador Türk in his statement towards clarifying a very difficult problem was extremely relevant and, I think, should be considered by all of us.

Apart from the goal of alleviating the suffering of civilians in armed conflicts, we should bear in mind that lasting peace hinges very much on preventive measures. I do not refer here to prevention as part of a shortsighted security approach, but to the construction of solid pillars for a pacified society through cooperation for development, poverty eradication, and the strengthening of the rule of law. As a matter of fact, the fundamental objective of the United Nations is to prevent conflicts from breaking out rather than tackling their effects.

With regard to the issues touched upon by the Secretary-General in his report, I would like to highlight

four aspects that have to do with the work of the Security Council under Chapter VII of the United Nations Charter.

First, it is fundamental to maintain the momentum created by the note by the President of the Security Council of 29 January 1999 on the work of the sanctions Committees. Secondly, together with the assessment of the impact of sanctions regimes, the Security Council must consider applying humanitarian exemptions, as appropriate, to measures adopted under Article 41 of the United Nations Charter. Thirdly, priority should be given to the development of so-called targeted or smart sanctions, so as to penalize those directly responsible for wrongdoing rather than aggravating the hardship facing the population as a whole. Finally, the Security Council must set up reliable mechanisms with a view to monitoring the flow of weapons to regions torn by armed conflicts. Those who violate multilaterally negotiated and Security Council-mandated arms embargoes should be held accountable for the use of such weapons.

The 40 recommendations submitted by the Secretary-General must be borne in mind, but at this stage it would be useful to focus on those capable of galvanizing immediate consensus. The aspects I have just stressed could be a good starting-point.

The success of our efforts depends on integrating the contribution of the Security Council in a broader framework in which other branches of the United Nations system and the States concerned have an equally central role to play.

The complex nature of the challenges before us should not be cause for despair. The abhorrent images of civilians targeted in armed conflicts should not dash our hopes for an era of compliance. Those images remind us that our differences with others are less important than our shared capacity to experience pain and suffering. It is that shared capacity that provides the moral basis for taking joint measures to protect civilians from the ravaging consequences of armed conflicts.

The President: I should like to inform the Council that in view of the weather conditions and their effects, especially on public transport, it is my intention to continue this meeting for another hour or so and then suspend it until tomorrow at 10 a.m.

Mr. Holbrooke (United States of America): In the light of what you have just announced, Mr. President, and in order to allow the maximum number of speakers today, I will shorten my statement so that more representatives can speak, because of the enormous importance of this subject.

In a certain ironic sense, it is a pleasure — or, to be more precise, at least a privilege — to represent my nation before this body on this terrible issue. It is fitting that we discuss it on a day when over 7,000 United Nations peacekeepers are on their way to East Timor. With the Security Council's swift and decisive action, the Council, this historic body in this historic room, has shown the important role the United Nations can and must play to help protect civilians. Unfortunately, East Timor is only the most recent example, and it certainly will not be the last.

I have personally witnessed the price civilians pay in conflicts on three continents over my career in government over the last 37 years. In Viet Nam, Cambodia, Bosnia, Kosovo and Africa, I have seen the impact warfare has on innocent civilians. I have seen bicycles in Cambodia manufactured specifically for people with only one limb, as well as other unspeakable consequences of warfare on civilians. The deliberate terrorizing of civilians — a phenomenon that is not new in history, but has been perfected in this terrible century — has added a new and invidious phrase to our vernacular: ethnic cleansing.

For nearly two centuries, individuals have tried to design institutions and support principles to temper the effects of warfare on civilians — from Jean Henri Dunant, the visionary Genevan who was instrumental in creating the International Committee of the Red Cross (ICRC) in 1863 after he had seen the horrors of the Crimean war, to my friend, Fred Cuny, who lost his life in Chechnya in pursuit of his lifelong goals.

There can be no denying that war is hell. It always will be hell, but even war has had a code. There is a terrible sense that, during this terrible century, that code, such as it was, has almost completely disappeared and that, to many people today, civilians are no different than professional combatants. The statistics are dramatic. The percentage of civilians casualties as a percentage of total casualties in war has risen from 10 per cent to 90 per cent from the First World War to today. It is our duty to confront this reality and do everything we can to prevent or minimize it.

Increasingly, civilians — including humanitarian workers — are not just random, incidental victims of

conflict, but targets of it, as we have seen in Chechnya, in Rwanda, in Bosnia and in Cambodia. The Secretary-General has noted that women and children are disproportionately represented among civilians affected by conflict, and he is so right. We have seen this graphically in the former Yugoslavia, where rape became a tactic of war. I have talked to the victims and to their husbands and wives and sons and fathers. It is terrible to see.

All of us must work together to find ways to halt these trends. This meeting is an important but wholly inadequate step towards this goal. We in the United States support the Council's desire to respond, in accordance with the United Nations Charter, to these situations. Let me reaffirm the four principles we believe the Council should focus on.

First, all States must comply strictly with their obligations under international law. Secondly, the international community needs to assist and protect civilian populations affected by armed conflict. Thirdly, all parties concerned must ensure the safety of civilians and guarantee the unimpeded and safe access of United Nations and other humanitarian personnel to those in need. Fourthly, individuals, who commit grave offences under international humanitarian and human rights law should be brought to justice — a point that I am very pleased the Secretary-General and Mary Robinson both raised in regard to the current crisis in East Timor. We should pay very close attention, as we proceed, to what substance we give to that very brave and early warning. I congratulate the Secretary-General for being the first public official, to my knowledge, to raise this issue.

The Secretary-General has made some wise and far-ranging recommendations. Let me briefly address them.

We concur that, at the outset of any conflict, the Council should underscore the importance of humanitarian assistance to civilian populations. It is imperative for concerned parties to cooperate fully with the United Nations humanitarian coordinator in providing access. This must be done in accordance with the principles of humanity, neutrality and impartiality. We believe that failure to comply should result in the imposition of targeted sanctions.

Secondly, the United States also supports using sanctions as a possible method to deter and contain those who commit violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy Security Council resolutions. The sanctions committees should convene periodic meetings and the Council should monitor the humanitarian impact of sanctions on vulnerable groups and make required adjustments of the exemption mechanisms to facilitate the delivery of humanitarian assistance.

Thirdly, my Government also supports the consideration of arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict or where the parties are known to commit systematic and widespread violations of international law.

Finally, my Government supports the recommendation that the Council act to strengthen the United Nations capacity to plan and deploy more rapidly military and civilian police personnel, as well as to consider deployment in certain cases of a preventive peacekeeping operation. This includes steps to improve the security situation in camps for refugees and internally displaced persons and to help ensure the demilitarization and depoliticization of these camps.

I would also like to reiterate the position of my Government on the following issues addressed by the Secretary-General. Regarding anti-personnel landmines, the United States is committed to ending once and for all the worldwide scourge caused by these terrible devices and their like. Too many innocent people fall victim to these indiscriminate killers, which are often left behind after the wars end and the soldiers go home. My Government will therefore continue to support worldwide humanitarian demining efforts and work towards a global ban on anti-personnel landmines in the Conference on Disarmament in Geneva. Similarly, we also support the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as an important initiative to provide humanitarian protection for civilians and protected people.

Regarding the acute tragedy of children in armed conflict, the United States firmly supports the principles contained in the Convention on the Rights of the Child. The International Labour Organization Convention on the Worst Forms of Child Labour and the recently adopted Security Council resolution on children and armed conflict both contain the right standard for addressing the issue of child soldiers.

Regarding the International Criminal Court, the United States has supported such a concept. We have been in the forefront of international efforts to hold accountable those responsible for war crimes and crimes against humanity. We have worked hard to strengthen the international war crimes Tribunals for the former Yugoslavia and Rwanda. I personally have worked closely with both Richard Goldstone and Louise Arbour on these issues and have stood firmly, as has Secretary of State Albright, for maximum support of these specific war crimes Tribunals in the absence of anything more global.

However, My Government believes that the Rome Treaty contains flaws that require correction. Working together, we need to correct such flaws and broaden the effectiveness and acceptance of such a treaty. This would result in strengthening the Statute and ensuring full support by all States, including the United States. Again, for the second time, I wish to draw everyone's attention to what the Secretary-General and Mary Robinson have said regarding East Timor on this subject.

In closing, it is important to recognize all of the hard work of Canada in focusing the attention of the Security Council on this issue and to thank the Secretary-General for his excellent report. I commend our friends in Canada for their sustained effort on this and so many other issues and look forward to working closely with Ambassador Fowler and his colleagues. I hope the Council's focus will strengthen international interest in this issue.

Finally, we are deeply grateful to the ICRC for convening its third Humanitarian Forum last May, a gathering that focused on this topic. Such efforts are indispensable in complementing the actions of the Security Council.

Once again, the United States welcomes the Security Council's attention to this topic and is grateful for the Secretary-General's hard work on it. As a personal observer for most of my career of the consequences of the issue we have talked about, I cannot tell you how strongly I feel personally on this and, representing my Government on this subject for the first time, I want to stress how much we look forward to hearing what all the speakers here think and working with them to turn rhetoric into reality.

Mr. Andjaba (Namibia): We all recognize that conflict, wherever it erupts, has a tremendous impact on civilians, who are nowadays the first and principal targets. Women and children, the elderly, the sick and refugees are attacked in large numbers and continue to be methodically forced from their homes, in search of safety. We condemn acts of violence against civilians in the strongest terms. Perpetrators of such crimes must be held accountable. We support making perpetrators financially liable to victims, and the establishment of machinery to that end.

We welcome the very important report of the Secretary-General on the protection of civilians in armed conflict and the bold recommendations contained therein. We believe that the recommendations deserve thorough consideration by the Security Council. We will thus only highlight a few salient points and look forward to participating in the working mechanism that will be established for this purpose.

Just three and a half weeks ago, on 25 August 1999, in this very same Chamber, the Security Council adopted resolution 1261 (1999) on children and armed conflict. Our position on children and armed conflict was well reflected at that meeting and I will therefore avoid unnecessary repetition. Here, I would just reiterate our call for the minimum age for recruitment and participation in hostilities to be raised to 18 years.

The continued deliberate targeting of non-combatants, in violation of international law, remains an unacceptable phenomenon. We are particularly concerned about women and girls, who are vulnerable to gender-based violence and sexual exploitation, including rape and prostitution. Such violations of international humanitarian, human rights and refugee law cannot be condoned and should not be allowed to go unpunished.

We cannot over-emphasize the importance of guaranteeing the safety and security of humanitarian personnel. Namibia is currently in the process of ratifying the Convention on the Safety of United Nations and Associated Personnel. In addition, parties to conflicts must allow unhindered access of humanitarian workers to people affected by conflicts. Failure to allow unhindered access is a serious violation of humanitarian law and is completely unacceptable.

Civilians continue to be killed and maimed by the hundreds of landmines planted in previous and current conflict zones in many parts of the world. Namibia remains committed to the implementation of the Ottawa Convention, and we join the Secretary-General in calling upon States that have not already done so to sign and ratify the Ottawa Convention.

In discharging its mandate of maintaining international peace and security, the Security Council must bear the responsibility of preventing military conflicts and contributing to their resolution. The Council should work to prevent conflicts by placing emphasis on preventive measures and early-warning systems, which should include education on human rights and on the principles of humanitarian law and strict compliance therewith. The root causes of the conflicts, namely, poverty and underdevelopment, must be addressed.

We continue to believe that the uncontrolled flow of small arms and all types of sophisticated arms into areas of conflict needs to be addressed. It is unfortunate that some arms-producing countries have made Africa their dumping ground at the expense of Africans. We renew our call to all arms-producing countries not to transfer anti-personnel landmines and other arms to regions where armed conflict is imminent.

The draft resolution that we will adopt at the end of this debate addresses the wider impact of armed conflict on civilians. Namibia is in full support of the draft resolution and hopes that its adoption will ultimately contribute to the alleviation of the plight of civilians in armed conflict. In this connection, we commend the delegation of Canada for this timely initiative.

The Secretary-General has done his part and we are most grateful to him. It is now up to the Security Council to make good use of the recommendations contained in his report and to ensure that appropriate action is effected to address the plight of civilians in armed conflict.

Mrs. Martínez Ríos (Argentina) *(spoke in Spanish)*: We would like to thank the Secretary-General for his words and for his excellent report on the protection of civilians in armed conflict. We very much appreciate this report and its recommendations to improve the legal and physical protection of civilian populations. Those recommendations rightly deserve to be the subject of a thorough discussion in the Council. The time has come to channel our worry into action. To that end, the report of the Secretary-General provides an excellent point of departure.

The report paints a stark image of the realities that civilian populations must face in situations of armed conflict. The violence affecting vulnerable groups in particular and the attacks on humanitarian and peacekeeping staff reveal the magnitude of violence that combatants are prepared to use in conflict zones. The conclusion that the protective emblems of the Red Cross and the Red Crescent and of the United Nations flag appear to provide less protection than ever is particularly alarming. The assault upon and the looting of the United Nations Mission in East Timor (UNAMET) complex at Dili is the most recent unfortunate example of this worrisome trend. The diagnosis is discouraging and the challenge to be confronted by the international community in general and the Security Council in particular is enormous.

In the area of legal protection the international community has laid down several important instruments to protect civilians. International humanitarian law has gradually taken into account the need to emphasize the protection of civilians. Many of the norms to impose limits on the carrying out of hostilities and to protect innocent persons have been couched in universally recognized principles and norms.

It is clear that despite certain limitations we generally have an adequate body of norms. This is why we should focus our efforts on reducing the abysmal gap that exists between the very high level of development in legal norms and the very low degree of respect for those norms. Bridging this gap between the existence of law and the respect for it calls for action on three levels.

First, States must recognize that under the Geneva Conventions they have the primary responsibility for respecting and ensuring respect for international humanitarian law under all circumstances. We must join with the International Committee of the Red Cross in its tireless efforts to promote the dissemination and understanding of the norms applicable to conflict situations.

Secondly, it is essential to create adequate national and international mechanisms to deal with impunity. Justice is an indispensable component of a stable peace, as the Security Council has repeatedly recognized in addressing recent conflicts. In Angola, Kosovo, Sierra Leone and now East Timor the Council has emphasized the essential link between peace and justice in highlighting the need to properly investigate the crimes that have been committed and to prosecute those responsible for them.

To deal with impunity, States must have sufficient domestic law to ensure the investigation of violations and the prosecution of those responsible for them. When national systems cannot function properly, however, appropriate international machinery should be set up. The

Council has created two special criminal tribunals that are now fully operative and with which States have been required to fully comply. We must also ensure the speedy implementation of the International Criminal Court.

Thirdly, we must encourage all States to ratify and participate in the principal instruments that protect international law. In this regard we are pleased to announce that on 14 September our country ratified the Ottawa Convention on anti-personnel landmines.

In addition we must emphasize the importance of the 1994 Convention on the Safety of United Nations and Associated Personnel. In these days when we are learning that the United Nations flag affords less and less protection, this Convention becomes increasingly important. Its rapid ratification must be urged so that we can ensure universal participation. We must particularly urge participation by those countries in which multinational forces are stationed.

The mention of this Convention leads us to note several important legal shortcomings to which the report of the Secretary-General calls attention.

On various occasions our delegation has noted that the 1994 Convention on the Safety of United Nations and Associated Personnel does not apply to all the people and organizations present in conflict zones, and therefore it is necessary to expand the applicability of this instrument. We note with satisfaction that the Secretary-General echoes this concern, calling on the General Assembly to urgently undertake the drafting of a protocol to the 1994 Convention.

Children are the most vulnerable group in civilian populations. This was recognized by the Security Council in the adoption of a resolution on this problem less than a month ago. We support in particular the initiative contained in the Secretary-General's report of raising — by means of an additional protocol to the Convention on the Rights of the Child — the minimum age for recruitment and for participation in conflicts to 18 years.

With regard to physical protection of civilian populations, the Secretary-General's report proposes a wide-ranging set of measures that affect various Security Council areas of action, including sanctions regimes; confidence-building measures; rapid-deployment of peacekeeping operations; disarmament, demobilization and reintegration of ex-combatants; embargoes on and destruction of weapons, particularly small arms and light weapons; humanitarian access; and special measures for women and children. This is perhaps not the moment to refer to each one of these measures, but we reiterate that these proposals should be thoroughly studied.

We agree entirely with the premise underlying many of these measures: that in the twenty-first century the United Nations should increasingly become a source of preventive measures.

Prevention of conflict calls for urgent and decisive measures in the initial phases. Responsibility for implementing many of these measures is the exclusive purview of this Council. Other measures, such as those that involve aid for development and humanitarian assistance, require coordinated action with other bodies, both within and outside the United Nations system. Cooperation and consultation among all bodies and agencies is essential, but visible and dynamic leadership on the part of the Council is indispensable.

Sir Jeremy Greenstock (United Kingdom): I shall give the short version of my speech and would ask delegations to report the distributed version.

I warmly welcome this debate, inspired by our Canadian friends, and the Secretary-General's excellent and thought-provoking report. They could hardly be more timely. I cannot imagine a more accurate account of a typical situation the Council is called upon to deal with than the following passage in paragraph 8 of the Secretary-General's report:

> "civilian casualties and the destruction of civilian infrastructure are not simply byproducts of war, but the consequence of the deliberate targeting of non-combatants. The violence is frequently perpetrated by non-state actors, including irregular forces and privately financed militias. In many conflicts, belligerents target civilians in order to expel or eradicate segments of the population, or for the purpose of hastening military surrender."

The Security Council Mission to East Timor can say a thing or two about the pertinence of that description.

The United Kingdom will participate actively and imaginatively in follow-up work to the Secretary-General's report. Our support for the draft resolution before us today is only the beginning of that process.

The Secretary-General is right to focus on efforts to increase observance and awareness of international humanitarian and human rights law. Better implementation of the legal framework that exists is critical, not more law. Better and more effective ways to address impunity are also a crucial part of this effort. The United Kingdom will continue to support all efforts to ensure that war crimes, crimes against humanity and genocide are punished. This means not only support for ad hoc international tribunals and for the future work of the International Criminal Court, but action to deal with States that do not cooperate with them.

Turning to the Secretary-General's practical suggestions for improving protection of civilians caught up in armed conflict, I would like to highlight three areas with direct relevance for Security Council action.

The first area is the ready availability of small arms, particularly to non-state actors. Member States have a key role in controlling this flow, but the Council can act too. It must continue to be ready to impose arms embargoes where appropriate, and it should, as the Secretary-General proposes, ensure that all United Nations peacekeeping deployments include effective weapons-collection and destruction programmes.

Secondly, as regards the mandates the Council gives its operations, the Council should not shy away — as perhaps we have done in the past — from more robust mandates if a force needs to act in enforcement mode, for example to protect civilians. There are risks inherent in the deployment of operations on the ground in hostile and unstable situations, and we should be ready to face them. We cannot expect to make a difference on the ground otherwise. Remember "safe areas".

The third area is the capacity of the United Nations for rapid peacekeeping deployment. The United Nations has no troops of its own. The Department of Peacekeeping Operations cannot be expected to mount a United Nations operation within a matter of days even when civilians are under the gravest threat. That is why this week we have used the option of a multinational force. But United Nations rapid reaction and planning capabilities have to be improved. The United Kingdom and France together signed a memorandum of understanding in June on the forces we were ready to commit to the United Nations at short notice. We urge others to do the same.

Timely action is also preventive action. The more the Security Council is seen to act swiftly, boldly and decisively when civilians are under armed attack, when humanitarian access is deliberately denied and when basic human rights are violated, the more effectively we shall prevent such abuses from taking place in the future.

It has thus been heartening to see the Council exercise a variety of its powers in a timely, proportionate and effective response to events in East Timor. From its initial statements stressing the concern of the international community, to a high-profile mission to Jakarta and Dili and now a Chapter-VII resolution authorizing a multinational force, the Council has demonstrated an ability to respond swiftly where international peace and security are threatened and where the rights of civilians are subjected to massive abuse. Our task is not over: we must continue our work with the Indonesians to ensure the safety of returning civilian refugees and access for humanitarian aid in East and West Timor.

The United Kingdom warmly welcomes the focus in the Secretary-General's report on the issue of enforcement action in the face of massive and ongoing abuses of human rights or of international humanitarian law. The nature of modern conflict — chaotic, internecine and brutal — challenges the Council to reinterpret its mandate to maintain international peace and security in terms of the threat to the security and survival of populations as much as of States. In his report, the Secretary-General rightly stresses that when we are faced by massive human rights abuses, enforcement action must become an option for consideration. We believe that there is now a need to build up consensus within the Council and across the wider United Nations membership on when and how we should respond to such affronts to our shared values. The factors which the Secretary-General has proposed that the Security Council should take into account in considering enforcement action are an important contribution to the debate. We welcome them as a basis for early further discussions in the Council.

Mr. Dejammet (France) (*spoke in French*): I wish at the outset to thank you, Mr. President, for including this item on our agenda and for convening this open debate on the welcome initiative of Canada. I wish also to thank the Secretary-General and Mrs. Mary Robinson for their presence here today and for their statements, which attest to the timeliness of our concerns.

The item before us is now at the very heart of the mandate of the Security Council. It is necessary only to recall our recent debate on Timor to evoke the violence against civilian populations perpetrated in East Timor.

But we must also recall, this time with satisfaction, the Council's speedy and unanimous reaction in deciding, in order to address the protection of the civilian population, to authorize a multinational force to restore peace and security and to put an end to the violence.

We also recall other, no less serious, conflicts elsewhere in the world, such as those in Afghanistan, Angola and the Great Lakes region of Africa, where civilians are also the principal victims. One example is provided by the team from the Office of the United Nations High Commissioner for Refugees (UNHCR) that visited the Democratic Republic of the Congo, which stated yesterday that the conflict there had uprooted nearly a million individuals, who have become refugees or displaced persons. Here again, the Council must act and must shoulder its responsibilities.

There is no need to repeat what others have said about the changing nature of armed conflict and about the fact that a majority of its victims are now civilians. Combatants, of course, fight one another, but not only one another: they also attack defenceless populations in violation of international law and the fundamental principles of humanitarian law. This is a strategy of terror that spares no person and no area, a strategy of all-out war. And all-out war requires a global response, as rightly proposed by the Secretary-General in his welcome report to the Council.

We must thoroughly consider all the ways and means available to us to respond to these threats, beginning with prevention. This can mean the rapid deployment of preventive peacekeeping operations with a view to preventing the deterioration of a situation by which the civilian population could quickly be affected.

I note with interest the Secretary-General's proposal that Security Council working groups relating to volatile situations be established, making use of all the analytical resources of the United Nations, and especially of the human rights information and analysis emanating from independent experts.

Prevention involves scrupulous respect for human rights and democratic norms. The international community must also disseminate information about the principles of international law with a view to creating a climate of respect for those norms that will protect the rights of civilian populations.

Prevention, then, must come first, but later, when we see a threat to the civilian population, we must punish the perpetrators. We must therefore give high priority to the fight against impunity. Here, we note a welcome development in the sphere of international law: the establishment of two international criminal tribunals. The Security Council has certain legal means at its disposal — when the political will exists. It also has all the tools of the Charter to pursue the guilty and to cause them to change their behaviour, through the use of sanctions — which, however, must be carefully targeted and proportionate, so that they will not harm civilian populations.

This year, the Security Council has already taken up the question of the protection of humanitarian personnel, and has reaffirmed its collective responsibility to guarantee the safety and security of such personnel. In this respect, too, principles and declarations exist. But they can be translated into fact only though our unrelenting vigilance. I am thinking about the action that the Secretariat takes when it must respond quickly to problems in certain crisis areas when the security or freedom of movement of humanitarian personnel is at stake. We can all recall the action that the Secretariat had to take in crisis regions in Europe, as well as in Afghanistan.

As the Secretary-General has recommended, we must therefore forge a global and coordinated approach. When the deployment of a peacekeeping operation is envisaged, all aspects that can help protect the civilian population must be considered: the establishment of a civilian police force, humanitarian assistance, disarmament, demobilization and measures to provide work for people who have been demobilized. As the report of the Secretary-General recommends, it is essential to have a multidisciplinary and integrated approach to these problems.

The Security Council has already adopted a resolution on the protection of children in armed conflict which contains a number of commitments that we must constantly ensure are properly implemented. A draft resolution on the protection of civilian populations is before us today, and we fully support it. However, France is willing to continue to give full consideration to the recommendations that the Secretary-General has put to us with a view to finding effective ways to ensure such protection for civilian populations.

Mr. Hasmy (Malaysia): I should like to extend my delegation's sincere appreciation to the Netherlands and to you, Sir, for organizing this open meeting of the Security Council on the question of the protection of civilians in armed conflict, which is a useful follow-up to the Canadian initiative in February this year. My delegation also wishes to extend its deep appreciation to the Secretary-General for his presentation this morning and welcomes his comprehensive report of 8 September 1999, including the excellent recommendations contained therein. I would also like to thank Mrs. Mary Robinson, the United Nations High Commissioner for Human Rights, for her comprehensive, passionate and enlightening statement.

Internal armed conflicts constitute most of the conflicts which now come before the Security Council. In many, if not all, of these conflicts, civilians are the first and principal target. Women, children, the elderly, the sick, refugees and internally displaced persons have been attacked in large numbers and driven from their homes. The protection of civilians has become more difficult because the dividing line between non-combatants and combatants, and between peacekeepers and humanitarian personnel, is often blurred. The sufferings inflicted upon civilians can be particularly great when the perpetrators of the attacks act without much control because of weak chains of command, or when their actions are driven by ethnic factors and are designed to eliminate the target ethnic group. The problem is further exacerbated by the eventual collapse of the rule of law in a number of conflict situations.

Today's meeting reaffirms the imperative of strict compliance with international humanitarian law on the part of those involved in violent conflicts. My delegation condemns in the strongest terms these acts of violence against civilians. The deliberate attacks and acts of violence perpetrated by combatants against hapless civilian populations are a clear and blatant violation of the principles of international law, including humanitarian and human rights law. The perpetrators of these heinous crimes must not be allowed to get away with impunity. Without doubt, States have the primary responsibility in prosecuting the perpetrators through their national justice system or, whenever and wherever appropriate, the relevant international criminal tribunals. Until a global enforcement mechanism is in place to address these crimes, ad hoc tribunals may be required as and whenever necessary.

There has been a disturbing increase in the number and scale of direct and calculated attacks against humanitarian and United Nations personnel in the field. We condemn in the strongest terms these attacks on humanitarian workers. The security and safety of humanitarian missions is of paramount importance, especially in highly volatile and extremely dangerous conflict areas. The Council has an obligation ensure that they are able to carry out their missions in responding to the needs of civilians in armed conflict who should have unimpeded access to humanitarian assistance. While proper training about the real situation and risks on the ground would better equip humanitarian personnel to handle risky situations in their mission areas, this does not absolve the combatants of their own obligations and responsibilities with regard to humanitarian workers who perform their noble tasks in the name of humanity. My delegation stated on an earlier occasion that it would be fitting for the United Nations to pay tribute to the courage and sacrifices of these humanitarian workers as it honours the Blue Helmets.

My delegation agrees with the Secretary-General that the widespread availability and use of small arms, light weapons and anti-personnel landmines have had a significant impact on the scope and level of the violence that affects civilian populations in armed conflict. Small arms have been and continue to be the primary tools of violence in most of the recent armed conflicts around the world. Since they are easily available and cheap, require little maintenance and little training to use, small arms can be used for long periods and thus affect the duration of conflict. Small arms encourage a violent rather than peaceful resolution of differences.

We must redouble our efforts to curb illicit trafficking in weapons and support the global efforts towards the implementation of the Ottawa Convention on anti-personnel landmines. Anti-personnel landmines kill and maim not only combatants but, more often, innocent civilians years after the combatants have left the scene of conflict. They continue to pose a serious threat to the safety of civilian populations. My delegation therefore supports the imposition of arms embargoes in situations where civilians and protected persons are deliberately targeted by the parties to the conflict.

The issue of children in armed conflict, which was highlighted in an open Council meeting under the presidency of Namibia last month, deserves the serious attention of the international community in its own right. This was reflected in the Council's resolution last month. We cannot ignore the issue of children who become victims of armed conflict, either as instruments of war or because they are caught up in the traumas and upheavals

of conflict. As a signatory to the 1989 Convention on the Rights of the Child, Malaysia calls upon the remaining few countries that have not signed or ratified the Convention to do so.

We strongly support the Optional Protocol to the Convention, which calls for a minimum age of 18 for recruitment and participation in hostilities. However, my delegation recognizes the additional complication derived from the fact that the involvement of most child soldiers in armed conflict takes place within the ranks of non-State armed groups, where the line of command and responsibility is often opaque. Bearing this in mind, Malaysia strongly advocates that specific measures for the disarmament, demobilization and reintegration of ex-combatants, with special attention given to child soldiers, be included in peace agreements and, where appropriate, in the mandates of United Nations peacekeeping missions. The elements of disarmament, demobilization and reintegration must be a top priority in any United Nations peacekeeping and peace-building operation.

When the Security Council takes decisions to resort to the use of sanctions and, ultimately, military force for the protection of civilian populations, there is a need to give careful thought to their effectiveness and their negative consequences on the civilian population — the very population it is setting out to protect. The imposition of Article 41 of the Charter and the use of coercive action under Chapter VII should be adopted as a mechanism of last resort.

Given the nature and scope of the matter, there is a general recognition of the need for a comprehensive and integrated approach to handling crises, bringing together political, humanitarian, development and human rights actors within an agreed framework of action. Malaysia is favourably disposed towards strengthening the Council's cooperation and coordination with the General Assembly, the Economic and Social Council and other relevant United Nations organs. The Organization would also greatly benefit from closer cooperation and coordination beyond the United Nations system with regional organizations, bilateral actors, Government and non-State actors as well as civil society, including internationally recognized non-governmental organizations and the private sector.

My delegation supports the draft resolution on the protection of civilians in armed conflict that is before the Council. We believe the draft resolution contains all of the necessary elements to address the issue. We strongly support the immediate establishment of an appropriate mechanism to review further the recommendations contained in the report and to consider appropriate steps in the near future.

Mr. Jagne (Gambia): My delegation would like to pay tribute to you, Mr. President, for according such a high priority to the subject under consideration by the Security Council today. In recent times, the Council has devoted a considerable amount of time to the question of civilians in armed conflict and other related issues. My delegation is also grateful to the Secretary-General for his comprehensive report on the matter.

Over the years, the number of civilians affected by conflicts has been increasing dramatically. The statistics available to us are really frightening. Furthermore, it is now well-known that civilians are increasingly becoming the deliberate targets of combatants, and children, women and other vulnerable groups bear the brunt of this growing insanity. In a nutshell, they are the victims of all sorts of atrocities, ranging from rape to mutilation and massacre.

Notwithstanding the plethora of international legal instruments designed to protect civilians in situations of armed conflict, it would appear that civilians caught in such situations are more vulnerable today than ever before. Clearly, therefore, these important international legal instruments are more honoured in their breach than in their observance, thus the pressing need to urge Member States and non-State actors alike to redouble their efforts in order to reverse the trend. It goes without saying that the implementation of said instruments is the key to success in our efforts to improve the situation. Life would be much easier for Member States if only they would make the best use of the technical services offered by the United Nations and, indeed, other relevant organizations.

There is no need to attempt to belabour all the points raised in the Secretary-General's report on the protection of civilians in armed conflict. He has covered them very well, including the attendant problems, and has made recommendations. We agree with him that it would be important to establish an agreed mechanism and timetable for follow-up and review. That is the way forward.

Having said that, my delegation is of the view that, while efforts are being made to improve the protection of civilians in armed conflict, the issue of impunity should

be given added importance. The international community must ensure that perpetrators of war crimes and violators of international humanitarian and human rights law are held accountable. In this connection, we reiterate our support for the establishment of international ad hoc tribunals, as and when necessary, to prosecute war criminals.

In this context, we commend the excellent job being done by both the Rwanda and former Yugoslavia Tribunals. These two institutions constitute beacons of hope in the crusade against the culture of impunity.

There is no doubt that there is adequate legal protection for civilians in armed conflict. Attention should therefore be directed to physical protection. The Security Council should therefore devote its energies in this direction.

In an earlier statement, we made reference to the old saying that prevention is better than cure. That is why we believe that greater attention should be given to conflict prevention by addressing, first and foremost, the root causes of conflict in an integrated and comprehensive manner. Otherwise we fear very much that the vicious circle of the recurrence of conflicts will continue for a very long time and that in the process innocent civilians will continue correspondingly to pay a heavy price.

The Secretary-General has done his part, for which we are grateful. The recommendations contained in his report require extensive and careful consideration. He has identified important mechanisms and measures which can help us in our efforts. The ball is now in our court. Since this is what the draft resolution under consideration attempts to do, my delegation will vote in its favour.

Mr. Chen Xu (China): The Chinese delegation welcomes the report submitted to the Security Council by the Secretary-General on the protection of civilians in armed conflict and thanks the Secretary-General for his presentation just now. We would also like to take this opportunity to express our appreciation to you, Mr. President, and to the delegation of the Netherlands for arranging this open debate.

The protection of civilians in armed conflict has always been of concern to Governments around the world and to the relevant bodies of the United Nations. In too many places around the world, armed conflicts are still raging that not only endanger world peace and security and undermine regional development and stability, but also inflict terrible suffering on the civilians caught up in them. Vulnerable groups, including women and children, suffer the most in armed conflicts.

We have noted with satisfaction that the report by the Secretary-General draws a detailed picture of the misery of civilians in armed conflict, the grave dangers they face and the potential impact on regional security and stability. The report also contains an incisive analysis on the protection of civilians in armed conflict from many different perspectives — political, legal, humanitarian, disarmament and peacekeeping — and puts forward a number of bold, creative and enlightening recommendations. We are of the view that these recommendations deserve a careful study and in-depth discussion in the Council. We are in favour of implementing some of those recommendations, where feasible.

The fundamental way to protect civilians in armed conflict is to effectively prevent and do away with conflict. This bears on the survival and development of civilians in armed conflict as well as on regional and international peace and stability. It is an important and pressing task facing the international community, especially the United Nations. The Security Council, which bears primary responsibility for international peace and stability, has an unshirkable duty in this area. We strongly oppose military actions in circumvention of the Security Council that may result in conflict on an even larger scale. We believe that the Council should continue its active efforts to put an early end to conflicts and defusing crises, for that is the contribution it should make to the protection of civilians in armed conflict.

China believes at the same time that the international community should take further steps to eradicate the root cause of armed conflicts by helping countries concerned in poverty eradication, economic development, national reconciliation and the maintenance of national stability. In this sense, the issue of protecting civilians in armed conflict cuts across the political, humanitarian, development and assistance fields and would thus be more appropriately and more thoroughly deliberated in the General Assembly and the Economic and Social Council. We are in favour of strengthening cooperation and coordination between the Security Council and other United Nations bodies, but we also believe that the various bodies of the United Nations system should have a distinct division of work and operate accordingly. If the Security Council were to become overly involved in issues, such as human rights, which fall under the purview of other United Nations bodies, its attention to

peace and security issues would be diverted and the work of those other United Nations bodies unduly affected.

While the issue of the protection of civilians in armed conflicts is under discussion, another issue that naturally comes to mind is that of humanitarian assistance. We are of the view that no matter when and where armed conflict breaks out, the international community should urge the parties concerned to put an early end to the conflict through peaceful means; strictly abide by international law, including international humanitarian and human rights law; make every possible effort to protect and assist civilians in armed conflict; and prevent and prohibit acts of violence against civilians in armed conflict or the blockage of humanitarian assistance to civilians.

We call on the international community to discard double standards in the humanitarian sphere and to give equal attention to acts of violence against civilians in armed conflicts around the world, rather than take a selective approach.

In recent years, destabilizing factors have refused to abate in Africa. Regional conflicts and turbulence continually emerge. The crises in some countries even show signs of getting worse. The African people have gone through unimaginable sufferings. It is high time for the international community to take the necessary measures to support the efforts of African countries and regional organizations to resolve the conflicts and to provide concrete and meaningful assistance to get African civilians out of harm's way in armed conflicts.

The Chinese Government has always paid great attention to the issue of protecting civilians in armed conflict. China has always been actively involved in the deliberations of this issue in the General Assembly and other United Nations bodies concerned. We support the adoption of a council resolution based on the presidential statement issued by the Council in February this year and will vote in favour of the draft resolution before us.

The President: I thank the representative of China for the kind words he addressed to me.

Mr Lavrov (Russian Federation) (*spoke in Russian*): The question of protecting civilians in armed conflict has become increasingly relevant. Despite the international community's efforts, such conflicts continue to bring death and suffering to thousands of people, primarily civilians. A significant number of these are children, women, the elderly and refugees — in other words, particularly vulnerable groups. Personnel providing humanitarian assistance through the United Nations, the International Committee of the Red Cross (ICRC) and other organizations are also falling victim. Of course, the main responsibility for protecting civilians in all circumstances is born by the States and parties to an armed conflict. This must not detract, however, from the importance of international efforts in this area. There is a contribution to be made, in the context of its task of maintaining international peace and security, by the Security Council of the United Nations.

The 12 August marked a half-century since the adoption of the Geneva Conventions on the protection of victims of war. These marked a true milestone in the development of international humanitarian law, the foundation of which was laid 100 years ago by the first Peace Conference at The Hague, convened on the initiative of Russia.

Despite the fact that most States are parties to the Geneva Conventions, the gulf between the provisions contained therein and their implementation in times of armed conflict remains, unfortunately, too wide. Paramount is the need to strengthen the monitoring of compliance with the norms of international humanitarian law. An important role could be played here by the ICRC. In our view, we should also study the question of expanding the functions of the International Fact-Finding Commission, as well as the question of convening, in the framework of the Geneva Conventions, a committee to review countries' implementation of their commitments. This would allow us to mobilize the additional potential of political and international legal resources to protect the victims of armed conflict and to narrow the scope of permissibility in the conduct of warfare. The world community must not tolerate the practice of fomenting armed conflict or the actions of those who deliberately ignore international legal prescriptions to protect civilians and who use violence and terror against civilians and humanitarian personnel.

Russia, in the United Nations and at the regional level — *inter alia*, in the context of the Commonwealth of Independent States and the Organization for Security and Cooperation in Europe — has frequently made important humanitarian proposals. One such proposal was on the need to establish a monitoring system whereby the international community would evaluate and react quickly to any violations of the norms of international humanitarian law. We support efforts to further protect

identifiable groups of people, primarily children, during armed conflict.

It is very important to ensure national and international criminal prosecution of persons responsible for war crimes and crimes against humanity. Ensuring certain punishment for such crimes, on the basis of fairness and without double standards, is the task of the International Criminal Court. Last summer, Russia supported the adoption of the Court's Statute.

The problem of protecting civilians in armed conflict requires a comprehensive approach. That is precisely the thrust of the Secretary-General's recommendations in his report on this issue. Many of those recommendations are consonant with Russian initiatives, including on the establishment of humanitarian corridors and on taking humanitarian constraints into consideration in the imposition of sanctions. Also noteworthy is the idea that the 1994 Convention on the Safety of United Nations and Associated Personnel should be supplemented by a protocol to extend the scope of legal protection to all related personnel. A positive role could be played by including a mass-media component in peacekeeping operations to prepare and disseminate information on international humanitarian law and human rights. The other recommendations of the Secretary-General also deserve serious study.

Today's broad discussion and the decision which the Security Council will take afterwards should lend additional impetus to international efforts to protect civilians from armed conflicts.

Mr. Buallay (Bahrain) (*spoke in Arabic*): At the outset, allow me to express my thanks and appreciation to you, Sir, and to the delegation of the Netherlands for convening this meeting. This meeting undoubtedly will be an effective contribution to making the work of the Security Council more transparent. My delegation highly appreciates the Secretary-General's statement, in addition to his valuable report on the subject under discussion, namely, the protection of civilians in armed conflict.

It is indeed regrettable to see that civilians in cases of armed conflict face acts of terrorization and brutal treatment, torture, killing and maiming, as well as genocide or ethnic cleansing, in addition to acts of disappearance because of the rebels or the combatants, whether from opposition or Government forces in the areas of armed conflict. All of these acts take place in total disregard of all the conventions of international humanitarian law and the law of human rights, notably the Fourth Geneva Convention of 1949.

The cause of our major concern is that loss of life among civilians, or losses resulting from the destruction of civilian infrastructure, are no longer simply the legacy of war. Indeed, they are a deliberate targeting of non-combatants in order to expel or ethnically cleanse groups of the population or to accelerate total military surrender. By way of example, we can refer to the events that took place recently in Angola, where, in order to achieve military gains, UNITA attempted to expel the civilian population from the towns under its control to the towns under the control of the Angolan Government.

This problem assumes increasing importance in view of the growing number of civilians involved. The number of internally displaced persons has reached 30 million. Women and children have become the primary targeted victims of armed conflict because of their inability to defend themselves.

Another negative aspect which must be taken into account is that combatants try to restrict the acquisition by civilians of food and other forms of assistance for survival and attempt to starve them to death deliberately. In addition, they target humanitarian workers and those who work in peacekeeping operations. The suffering meted out to civilians in armed conflict in our time makes it incumbent upon us to look seriously into the recommendations made by the Secretary-General in his report on the protection of civilians in armed conflict.

The Security Council must shoulder its responsibilities vis-à-vis these civilians, through taking actions that would increase the Organization's ability to deploy rapidly forces and to establish a permanent mechanism to monitor the sanctions regimes, whether imposed by the United Nations or by regional organizations, and to ascertain the possible effects of sanctions on civilians.

Of special importance is the recommendation that the Council, should it receive information on an imminent conflict targeting civilians and protected persons, should then impose an embargo on arms supplies. In certain cases the Council should consider the deployment of a preventive peacekeeping operation or provide for another form of presence for preventive monitoring.

The Council should adopt further targeted sanctions to put an end to the violations of international humanitarian law. It should also deploy international monitors to follow closely the situations in refugee camps and camps of internally displaced persons, especially when there is a suspicion that there are armed combatants or armed elements inside those camps.

We would like to reaffirm anew the importance of taking into account the recommendations of the Secretary-General on the alleviation of the plight of civilians at the time when armed conflicts break out and target them specifically. The Council, in its resolutions on the outbreak of any armed conflict, must reaffirm that there is a need for unimpeded access to extend humanitarian assistance to the civilian population.

Finally, I would like to express our support for the draft resolution before us at this meeting. It is our hope that the draft resolution will contribute in a genuine manner to the protection of civilians during armed conflict. I mention in particular the establishment of a working group to consider and study the recommendations made by the Secretary-General in his report.

Mr. Essonghe (Gabon)(*spoke in French*): Like others who spoke before me, I would like to express my appreciation and thanks to the Secretary-General for the very relevant recommendations contained in his report now before us dealing with this issue of great importance, the protection of civilians in armed conflict.

I welcome here the presence of the Secretary-General, and I am grateful also to you, Sir, for the excellent initiative in bringing this item to the agenda of the Security Council.

During the many discussions which the Security Council has held on matters relating to humanitarian protection and respect for human rights, my delegation has stressed the need for all States Members of the United Nations to sign and ratify the main instruments of humanitarian law, law on refugees and all other human rights laws. I can never overemphasize this point — and this is a point also made by the Secretary-General in his recommendations — that there is a need for everybody to implement the provisions of the relevant conventions on the protection and respect for human rights and international humanitarian law.

In this area, everybody has to cooperate, particularly in refusing to take in those responsible for violations of human rights and international humanitarian law and in surrendering such persons to the international legal bodies established for that purpose, namely, the International Tribunals for the former Yugoslavia and Rwanda, and soon the International Criminal Court in Rome.

My delegation agrees with all the measures proposed by the Secretary-General regarding preventing conflicts which are the source of such unspeakable suffering and give rise to such serious violations of human rights.

We also agree that the emphasis must be placed on establishing early warning systems or mechanisms. Not only States would be involved in this, but humanitarian and human rights organizations and study groups should also contribute, so that any early indications of possible situations of armed conflict could be identified. It is our firm belief that preventing conflicts would mean people could be spared useless suffering and would assist in making available considerable resources which could be used for development.

It is our view that the United Nations, while developing its early warning system, should also help in the establishment and strengthening of similar mechanisms at the regional and subregional levels, as indicated in Security Council resolution 1197 (1998), adopted pursuant to the work of the working group set up in resolution 1170 (1998).

We are in favour of negotiating humanitarian corridors with the parties to a conflict in order to enable humanitarian organizations to reach and assist populations in need in combat areas. In this connection, we stress the non-discriminatory and neutral character of humanitarian assistance, the necessity of cooperation by all involved, including States neighbouring conflict zones, and the fact that no party should consider the actions of humanitarian organizations as a hostile or partisan act.

Sanctions do make sense as a deterrent against those who violate human rights and international humanitarian law. But they must be judiciously targeted and respected. In this regard, my delegation welcomes the existence of Security Council sanctions committees, whose goals are to insure respect for sanctions.

In this connection, we support the initiative taken by the Chairman of the Sanctions Committee on the situation in Angola to investigate violations of sanctions imposed on UNITA, given the length of time that the conflict has been taking place in that country and the fact that it has

already produced numerous victims and has caused a grave humanitarian catastrophe to drag on.

My delegation also supports the pressing need for arms embargoes against armed rebel movements and groups, given the impact of small-calibre arms on the security of populations and therefore of States. But the effectiveness of these measures has to be strengthened. This was a matter dealt with by the group of experts established pursuant to resolution 1170 (1998), which prepared a draft resolution which the Council adopted as resolution 1196 (1998). We must ensure the implementation of that resolution — and, indeed, of all others — if we truly want to protect the rights of civilians and ensure security and neutrality in refugee camps.

This leads me to speak of recommendations on integrating human rights and humanitarian concerns with peacekeeping activities. We agree with the Special Committee on Peacekeeping Operations that operations should be multidisciplinary so as to include activities related to civilian police, humanitarian assistance, disarmament and demobilization, combating illicit trafficking in small arms and light weapons and, of course, human rights. This need to take a comprehensive approach to peacekeeping presupposes a clear and unambiguous definition of the tasks set forth in the mandate for any peacekeeping operation, in order that it can ensure the protection of civilians and support humanitarian organizations in their assistance and aid work.

Finally, the populations that have suffered horribly from armed conflicts will judge the commitment of the Security Council and of the international community to their plight by the ability of the Council and the international community to settle and, especially, prevent conflict, mobilize resources for actual operations on the ground and implement their own measures. We also believe that unless there is a realistic policy to reduce the causes of conflict, any action, even assistance, will remain only a superficial measure. We therefore call for equitable treatment by the United Nations of all conflict situations throughout the world.

In conclusion, let me say that my delegation has no objection to supporting the draft resolution before us.

The President: I should like to draw the attention of the Council to document S/1999/981, which contains the text of a draft resolution prepared in the course of the Council's prior consultations and which is now before the Council.

There is still a large number of speakers remaining on my list for this meeting. But, in view of the adverse weather conditions, I shall now suspend the meeting until 10 a.m. tomorrow, Friday, 17 September 1999.

The meeting was suspended at 2.05 p.m.

United Nations S/PV.4046 (Resumption 1)

Security Council

Fifty-fourth Year

Provisional

4046th Meeting
Friday, 17 September 1999, 10 a.m.
New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mrs. Martínez Ríos
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Essonghé
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Holbrooke

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957)

99-85805 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting was suspended at 2.05 p.m. on 16 September 1999 and resumed at 10.25 a.m. on 17 September 1999.

The President: I should like to inform the Council that I have received a letter from the representative of Pakistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Haque (Pakistan) took the seat reserved for him at the side of the Council Chamber.

The President: The next speaker inscribed on my list is the representative of South Africa. I invite him to take a seat at the Council table and to make his statement.

Mr. Kumalo (South Africa): Thank you very much, Mr. President, for holding this meeting. We were here to testify not too long ago. This is becoming very nice, and I am getting used to it.

After listening to what was said yesterday at yet another important meeting of the Security Council, one is hard-pressed to recall that 50 years have passed since the Geneva Conventions, especially the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, were adopted. It would have been far preferable to participate in a meeting that was called to celebrate the laudable ideas and intentions that the framers of those Conventions cherished way back in 1949. The sad reality, however, is that the international community has always fallen short of living up to the standards set for all nations in times of conflict.

It is perhaps with some cruel irony that I recall that, since February 1999, when the Security Council requested the Secretary-General to present this report, the world has watched with fear, fury and foreboding the effects of tragedy on civilians caught in more than 30 conflicts around the world. These include the conflicts in Kosovo and East Timor, which we feel as if we have witnessed with our own eyes because television broadcast them in living colour right into our living rooms.

Although many people did not know, or may even have chosen not to know, where Kosovo or East Timor were located on the world map, television and newspapers forced us to watch and read about the anguish of the civilian victims in these places, albeit with utter helplessness. Of course, it is and has always been different when it comes to atrocities that continue to be perpetrated on civilians in Africa. Places such as Angola, Sierra Leone and the Congos seldom get mentioned in the national newscasts. The television cameras have long left African conflict areas. Even the few objective and brave reporters have closed their notebooks and long since stopped writing. The so-called media that is left are hacks who are nothing but peddlers of hate and propaganda aimed at whipping up the fury of angry mobs who resort to nationalistic and ethnocentric bloody campaigns against innocent civilians.

In the end, the killings that are taking place in Africa are carried out by those who erroneously believe that they have been left to do as they please because the world no longer cares about those who die in Africa. But the Secretary-General's report before the Council proves otherwise. In the introduction, the Secretary-General writes that

> "hardly a day goes by where we are not presented with evidence of the intimidation, brutalization, torture and killing of helpless civilians in situations of armed conflict". (*S/1999/957, para. 2*)

It is for this and other reasons that my delegation wished to commend the Secretary-General for his comprehensive and challenging report to the Security Council on the protection of civilians in armed conflict.

At the Twelfth Conference of the Non-Aligned Movement (NAM) held in Durban, South Africa, last September, the heads of State or Government urged members of the international community present to reaffirm their determination and commitment to preserve the fundamental values centred on respect for human beings, as entrenched in the relevant international instruments. Convinced that the observance and application of international humanitarian law address the erosion of the underlying respect for human beings and could lead to a reduction in the numbers of victims in conflicts, the heads of State or Government at the Non-Aligned Movement Conference urged all members of the international community to adhere to, promote, disseminate and assist in the adherence to and promotion and dissemination of international humanitarian law and

human rights conventions. They believed that knowledge of, respect for and observance of the international instruments would help relieve the suffering of all victims, provide them with effective protection and create an atmosphere conducive to dialogue and the restoration of peace.

Moreover, the heads of State or Government of NAM underlined the importance of promoting respect for universally recognized humanitarian principles and for international humanitarian law, particularly those of the four Geneva Conventions of 1949 and their 1977 Protocols Additional. They invited those States which have not yet done so to ratify or accede to the two Protocols Additional to the Geneva Conventions of 1949. Common article I of the Geneva Conventions, now ratified by 188 States, which dictates that the High Contracting Parties to the Conventions "undertake to respect and ensure respect for the present Convention in all circumstances", constitutes the collective responsibility of the United Nations.

In his report, the Secretary-General also makes the point that respect for the international humanitarian and human rights laws is essential for the protection of civilians in armed conflicts. He states that such an international framework created by these Conventions would serve a function that is both preventive and remedial. It is preventive because it constitutes a declaration of intent by Member States that have acceded to the Conventions, and it is remedial because it provides punitive measures against the transgressors. My delegation welcomes the adoption of the Statute of the International Criminal Court (ICC) and hopes that the establishment of the ICC will constitute a major step towards providing punitive sanction measures against transgressors, while serving as a deterrent to potential and future transgressors.

It is important that the Security Council put extra emphasis on the strengthening of conflict prevention measures in order to effectively avert the threat to civilians in armed conflicts. These preventive measures include the setting up of early warning systems which will alert the Security Council to pending conflicts while there is still time to do something about them. South Africa is already making a direct contribution in this area. My Government has, amongst other things, given moral and financial support to the United Nations Integrated Regional Information Network which functions as an early warning mechanism in central and southern Africa.

An issue of critical importance to my Government is the securing of humanitarian assistance, access to persons in need and the speedy delivery of basic supplies by humanitarian workers. In this connection, the safety and security of international workers are another crucial element. It is of utmost importance that the safety of United Nations personnel and the safe passage of relief supplies for the populations caught in armed conflict be guaranteed.

In Africa, especially in my region of southern Africa, the scourge of landmines continues to maim and kill innocent civilians. The Security Council should consider including demining in the mandates of peacekeeping missions. The expedited accession by Member States to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and the rapid implementation of its provisions will go a long way towards protecting civilians against these silent killers. The illicit trafficking in powerful, yet small weapons that are easy to conceal continues to be a growing problem. The lucrative trade in and the easy transportation of such weapons makes them easily and readily transferred and used in different conflicts in a short period of time.

South Africa believes that future peacekeeping operations should include, where appropriate, the collection, disposal and destruction of weapons, including small arms. Otherwise, a demobilized and still armed former combatant remains a threat to civilians.

Over the past year, we have devoted considerable time and energy to resolving conflicts in Africa. We have joined with other Governments in the region in a concerted effort to address humanitarian tragedies resulting from conflict situations. Aside from diplomatic interaction, our commitment has taken the form of financial and material contributions to international humanitarian organizations active on our continent. We have been particularly concerned about the scourge of landmines and the plight of refugees and internally displaced people, especially women and children.

Allow me to conclude by mentioning two issues that continue to be of concern to the Security Council. One issue is the plight of internally displaced persons, who are simply civilians in armed conflict by another name. Many of them are children and women who are often sexually abused and/or starved to death as they try to flee from one conflict area to another, seeking food and shelter for themselves and their babies. The other issue is that children caught up in these situations are forced to become child soldiers long before they even reach

puberty. If, through some hard negotiation, peace is restored in these places, the child soldiers of yesterday are somehow expected to transform themselves into the students of tomorrow.

At the 1990 Organization of African Unity conference on refugees, returnees and internally displaced persons, held at Khartoum, an appeal was made to the international community to alleviate the heavy burden on countries hosting refugees and countries with significant communities of returnees and internally displaced persons. The Khartoum Declaration encourages the development of capacity-building initiatives for member States, and regional and subregional institutions. An appeal was also made to the Office of the United Nations High Commissioner for Refugees and to the International Committee of the Red Cross to expand their training programmes in international and regional refugee and humanitarian law.

My delegation knows that the answers to these and other international questions before the Security Council are hard to come by. Nonetheless, it is the hope of my delegation that the Council will find that the report of the Secretary-General is an important beginning in compiling information about options the international community may choose to consider. It is for this reason that we urge the Council to support the draft resolution on the protection of civilians in armed conflict. We welcome the decision to establish a mechanism to review the Secretary-General's recommendations and to consider appropriate steps by April 2000.

I wish to end by paraphrasing an old saying: the international community is better for knowing where it comes from on the issues of civilians caught in armed conflict, because that is the only way we will all know where we wish to go.

The President: The next speaker inscribed on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Yamazaki (Japan): As recent examples in Kosovo and East Timor have shown, the issue of the protection of civilians in armed conflict is extremely important, not only for humanitarian reasons per se, but also because it has a major bearing on how to reach conflict resolution and how to realize sustainable peace and reconciliation.

First of all, Japan would like to join others in urging that all harm to civilians in armed conflict should stop now. In this connection, Japan joins others in commending the present and former Presidents of this Council for taking the initiative in putting this subject on the agenda this year. We also appreciate the report that the Secretary-General submitted in response to the Council's request for specific recommendations on measures it should take to legally and physically protect civilians in armed conflict.

Let me remind the Council that Japan has actively participated in a number of international initiatives for the protection of civilians in armed conflict and is determined to continue playing its part in the endeavours of the international community to meet this challenge. For example, Japan is a party to all of the six major human rights instruments and strongly adheres to the underlying spirit of those instruments. We have been playing an active part in collaborative efforts to restrict the use of small arms and to establish the International Criminal Court.

As for the protection of humanitarian personnel, Japan was the second party to ratify the Convention on the Safety of United Nations and Associated Personnel which came into force in January of this year, and has extended funding to the trust fund for security training, which supports security and stress-management training for field security officers. In this connection, I am happy to note that the first training project funded by Japan, a workshop in Nairobi, will take place in November.

At the same time, ways should be explored to further strengthen the protection of those who take part in humanitarian activities, with due consideration to the specific situation of the conflict.

The report of the Secretary-General contains several concrete recommendations as to how the United Nations and this Council might be more effective in protecting civilians in armed conflict, and it deserves due attention. My remarks today are of a preliminary nature, owing to the need for more time to study the recommendations in depth.

First, the recommendation to facilitate the rapid deployment of a greater number of civilian police, administration experts and humanitarian personnel is worth further study in enhancing United Nations presence in protecting civilians in a conflict situation.

Secondly, as regards sanctions, Japan strongly believes that innocent civilians should not be punished. Rather, sanctions should be imposed in such a manner that they will attain their specific objectives as effectively as possible. Although careful consideration should be required before establishing any permanent review mechanism, the development of standards and rules for minimizing any detrimental humanitarian impact should be explored.

Thirdly, Japan fully supports the recommendation that arms embargoes should be imposed in situations where civilians are targeted by parties to the conflict, and I should like to take this opportunity to echo that message to arms-exporting States.

Fourthly, the notion of preventive peacekeeping operations offers wide-ranging possibilities. Throughout the previous decades, we, Member countries, have assembled our wisdom to foster and evolve peacekeeping operations by applying the spirit of the United Nations Charter in such a way as to cope with reality. As circumstances in the region and the nature of the conflict itself vary, the modality and timing of deploying an international presence of a preventive nature should be flexible. In this connection, I draw attention to a comment made by Mr. Olara Otunnu at a previous meeting of the Council. He said that violations of humanitarian norms can be discouraged by making them known to the rest of the world; in this vein, a preventive monitoring presence, when feasible, would be desirable.

Fifthly, it is important to disarm armed elements in refugee and internally displaced person camps. However, it is not easy to accurately assess the degree of armed elements in these camps, or to judge whether a host Government has the ability to fulfil the responsibility of disarming them. The recommendation to deploy international military observers to monitor the situation in these camps warrants consultation with the Office of the United Nations High Commissioner for Refugees (UNHCR), as suggested in the report.

Needless to say, a major difficulty in putting into practice most of the above recommendations seems to lie in the fact that non-State belligerent actors tend neither to be in a position to obey international law nor to be susceptible to international pressure. This is an aspect that imposes a major constraint upon this whole issue of protecting civilians in armed conflict, and it deserves our full attention.

Today's agenda item is relevant to all stages of a conflict. Japan firmly believes that durable peace can and must be attained, however difficult the task. As we have seen in cases such as Bosnia, an international presence can gradually move peace forward from a fragile to a more stable level. Let me cite two recent examples of Japan's involvement in the cause of peace. The first is the pledge of $220 million for humanitarian and reconstruction assistance for Kosovo and neighbouring countries; and the second is a pledge announced yesterday in Tokyo for a preliminary $2 million to meet immediate humanitarian needs for East Timor, to be followed by further assistance in response to any future appeal, as well as substantial financial contributions to the United Nations trust fund to support the multinational force established by the Security Council resolution.

We are of the view that in the follow-up process of this report by the Secretary-General, non-members of the Council should also be involved, given the scope and depth of the issue. We are willing to play a constructive part in any follow-up that may take place to cope with this important issue.

The President: In accordance with the decision taken earlier in the meeting, I invite the Permanent Observer for Switzerland to take a seat at the Council table and make his statement.

Mr. Staehelin (Switzerland) *(spoke in French)*: I would like to thank you, Mr. President, and the other members of the Security Council, for giving me this opportunity to address the issue of the protection of civilians affected by armed conflict.

Since the debate held on this question in the Security Council last February, new crises and further attacks on the lives and rights of civilian populations have reminded us of the urgency and gravity of the subject under consideration. The fine report of the Secretary-General before the Council emphasizes the magnitude of the challenge confronting the international community. It recommends precise and practical measures to counter the threats and to put an end to the violence and abuses against civilians in times of armed conflict. Those recommendations deserve our support.

Practically no major event can take place anywhere today without societies and States being witness to it, including, in this case, violence against civilians in armed conflict. Civil societies and Governments become involved in such situations through remarkable and

necessary actions of solidarity, or they intervene decisively. Nevertheless, on other occasions such events take place as if a culture of indifference to human suffering had become the norm in international relations and as if the ideals that are the foundation of the cooperation symbolized by the United Nations had been lost. It is therefore necessary to examine the mechanisms that help to make public opinion, parliaments and Governments decide what is intolerable and what is not. It is also urgent for us to consider the relationship between mass media and political decision-making. In fact, the United Nations and States must pay attention when solemn declarations and recognized principles on respect for humanitarian law do not succeed in arousing action exactly at the time when such action is needed. The credibility of our commitment is at stake.

The recommendations contained in the report of the Secretary-General prompt me to make the following comments. First, my delegation supports the Secretary-General's appeal to all States to ratify the major instruments of international humanitarian law. States involved in conflicts of which the Security Council is seized are not all parties to the Geneva Conventions. Many States have not yet ratified the Protocols Additional to the Conventions. Too many States Parties violate their duty to respect and enforce the provisions of the Conventions as they are committed to do under common article 1 of all the Conventions. We must emphasize the need for all warring parties to respect the emblems and premises of the Red Cross and the Red Crescent, which have recently been subjected to intolerable attacks.

Switzerland invites States to recognize the competence of the humanitarian International Fact-Finding Commission by making the declaration contained in article 90 of Protocol Additional I to the Geneva Conventions.

We are in favour of continued consideration of how to bring about better respect for humanitarian law. Switzerland will be co-chairing a workshop on this subject within the framework of the twenty-seventh International Conference of the Red Cross and Red Crescent, which will be held in Geneva from 31 October to 6 November 1999. As depositary of the Conventions, we hope that this Conference will help the international community to further mobilize to promote compliance with international humanitarian law and that the appeal signed last 12 August on the occasion of the fiftieth anniversary of the Conventions will be heeded and furthered through concrete actions.

Lastly, Switzerland wishes to welcome the entry into force on the very day of that appeal of the Secretary-General's bulletin on respect for international humanitarian law by United Nations forces.

Given the nature of current conflicts, in which attacks on civilian populations are often committed by non-State armed groups, it is important to promote respect for humanitarian law by those non-State entities, and to confirm the fundamental nature of the rules enshrined in common article 3 of the Geneva Conventions. Let us repeat here that non-compliance with the provisions that protect vulnerable groups can often be ascribed to all the parties to a conflict, whether they are States or not. The Security Council must take this into account and act accordingly.

The suppression of acts of violence that deliberately target civilian populations must be effective and vigourous in order to avoid the establishment of a culture of impunity. My country supports the work of the International Criminal Tribunals for the former Yugoslavia and for Rwanda and is in favour of the rapid entry into force of the International Criminal Court. Switzerland is also among the States to have adopted legislation to allow it to cooperate closely with the two ad hoc Tribunals. Swiss military law officials have been involved in bringing to trial nationals of Rwanda and the former Yugoslavia accused of having participated in crimes committed during the conflicts that recently affected their countries.

With respect to the maintenance of peace, the comprehensive and integrated approach to crisis solving advocated by the Secretary-General is a necessity. Switzerland is convinced of the crucial nature of a concerted commitment on the part of all actors to assure the protection of civilians during and after conflicts. We favour strengthening the Organization's capacities in the area of rapid deployment and planning, as regards both civilian and police elements. Consideration of this subject is also under way in other organizations such as the Organization for Security and Cooperation in Europe. It would be useful for the various initiatives to be complementary and consistent.

My delegation supports the many proposals made in the report in the areas of light weapons, arms embargoes and anti-mine activities. Our priority task for in the next few years is to give concrete shape to the commitments that have been undertaken and to make a reality of established principles and norms. It is only in this way

that our action will lead to more effective protection for civilians in armed conflicts. In the area of light weapons, my delegation believes it is urgent to establish closer control over their transfer and their presence in society. This should be done by preventive and by regulatory actions. The marking of weapons, measures to control trade, the development of codes of conduct and arms-reduction measures must be on the agenda in this field. Switzerland hopes that a forceful plan of action can be developed and adopted in the context of the conference being planned for 2001. My country has offered to host this conference in Geneva.

The protection of children affected by armed conflicts was the subject of a recent Council debate. My delegation participated in that debate, and therefore I will confine myself to repeating here that my country is convinced of the importance of raising to 18 years the minimum age for recruitment — be it voluntary or mandatory, by regular armed forces or armed opposition groups — and for direct or indirect participation in armed conflicts.

Finally, my delegation supports the Secretary-General's recommendations regarding sanctions. For some time now my country has been supporting efforts for a maximum reduction of the humanitarian impact of sanctions and to introduce appropriate mechanisms for humanitarian exemptions. In the framework of the Interlaken "smart sanctions" process, the Swiss Government has also facilitated reflection on the subject of targeted financial sanctions.

Taken individually, each of the recommendations of the Secretary-General represents progress in efforts to ensure the protection of civilian populations in armed conflicts. These days, however, attacks on the rights of these populations represent such a grave problem that only systematic implementation of these measures can lead to real breakthrough in the fight against these violations. Even in the case of such a coordinated implementation, intense efforts will remain indispensable. The outcome is uncertain, but the fight must be waged.

The President: The next speaker is the representative of Finland. I invite her to take a seat at the Council table and to make her statement.

Ms. Korpi (Finland): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia — and the associated countries Cyprus and Malta, as well as the European Free Trade Association countries members of the European Economic Area — Iceland and Liechtenstein — align themselves with this statement.

The European Union wishes to thank the Secretary-General for his thoughtful report on the ways in which the Security Council, acting within its sphere of responsibility, can improve the physical and legal protection of civilians in armed conflict. Its action-oriented recommendations can contribute to reinvigorating international efforts to protect civilians in armed conflict. The Security Council has a special responsibility in this context. Large-scale human suffering, as was noted in a statement by the President of the Security Council issued this past February, is a consequence of and sometimes a contributing factor to instability and further conflict. Massive and systematic breaches of human rights and international humanitarian law can constitute threats to international peace and security, and therefore demand the attention and action of the Security Council. The European Union welcomes the Security Council's concern regarding threats to human security, as demonstrated by a series of resolutions it has adopted in recent years — including those that established international ad hoc criminal tribunals for the former Yugoslavia and for Rwanda. We have seen in recent days how much the world looks to the Security Council for action.

The question of the protection of civilians in armed conflict deserves to figure higher on the international political agenda. Looking at the present global situation one can only feel a profound concern about the widening gap between existing international norms and respect for them. In today's conflicts the important distinctions between combatants and civilians have often become blurred, and the safety of humanitarian workers is not respected. Women, children, the elderly, the sick, refugees and internally displaced persons suffer greatly and have been specifically targeted and used as shields. In some cases aggressors have used ethnic cleansing and forced population movements — often across international borders — not only as a weapon, but also as a strategic objective. International humanitarian law, human rights law and refugee law are often unknown to parties to conflicts, or they are ignored or wilfully disrespected. The European Union deplores the persistent violations of international humanitarian law.

The recommendations proposed by the Secretary-General to address the failure to comply on the one hand,

and the lack of effective enforcement measures on the other, head in the right direction. Our objective should be to ensure respect for and full implementation of international human rights and humanitarian law. The primary responsibility to ensure application and enforcement of these fundamental norms rests with States. However, the Security Council can in various ways draw the attention of States to the importance of ratifying the major instruments, ensuring their implementation in practice and heightening awareness and acceptance of humanitarian law among all sectors of society. In this respect, the European Union welcomes innovative approaches to strengthening the respect for international humanitarian law by developing codes of conduct, ground rules and clear principles of engagement, as well as by building on relevant legal norms. The measures proposed by the Secretary-General include promoting adherence to international law as well as, in certain well thought-out cases, enforcement measures under Chapter VII of the Charter.

Irregular forces are increasingly a feature of today's conflicts and often bear significant responsibility for disrespect, grave breaches and serious violations of international humanitarian law as well as for serious human rights violations. We therefore call upon non-State actors that are parties to conflicts to strictly observe and respect international humanitarian and human rights law.

It is also essential that violations of the international instruments pertaining to protection of civilians are addressed through appropriate judicial processes, either nationally or through the efforts of the international community. The International Criminal Tribunals for the former Yugoslavia and for Rwanda were important steps in establishing individual accountability for atrocities. The European Union is of the view that the Security Council should consider all measures to induce compliance with orders and requests of the two ad hoc tribunals. The European Union would also like to stress the importance of the early establishment of the International Criminal Court and its important future role both in deterring grave breaches and serious violations of international humanitarian law and serious human rights violations, and in ensuring that those responsible for atrocities are brought to justice. In this context it is to be noted that the Rome Statute of the International Criminal Court also foresees a major role for the Security Council in referring situations to the Court where they involve most serious crimes of concern to the international community and are deemed to constitute threats to international peace and security.

It is increasingly difficult for the international community to provide protection and assistance to those living in the midst of a conflict. Denial of access to civilians in need of humanitarian assistance has in many instances become a tool of warfare. Humanitarian and peacekeeping personnel are deliberately targeted, since they are seen by many armed groups as a threat to their objectives. In this context, the European Union wishes to stress that under the Statute of the International Criminal Court, attacks against humanitarian or peacekeeping personnel are war crimes. The proposal to extend the scope of the 1994 Convention on the Safety of United Nations and Associated Personnel to cover other categories of United Nations and associated personnel, including locally recruited staff, merits serious consideration.

The report rightly highlights the plight of internally displaced persons in many parts of the world. The European Union agrees with the report's emphasis on the work of the United Nations system to assist internally displaced persons, while noting that the primary responsibility for the protection of and assistance to internally displaced persons lies with the Government and the country concerned. The European Union supports the wider use of the Guiding Principles on Internal Displacement in the work of the United Nations at the country level.

The European Union supports the Secretary-General's continuing efforts to place increased emphasis on the prevention of conflicts. The promotion of economic and social development, establishment and consolidation of democracy, good governance and the rule of law as well as the full implementation of human rights are of great importance in conflict prevention.

With regard to confidence-building, effective public information is vital. The United Nations must enhance its public information capability at mission level. In this respect, it is also crucially important to prevent the media from being used as a tool of conflict. Serious consideration should be given to the Secretary-General's recommendation relating to hate media.

Better use should be made of existing mechanisms, such as the International Fact-Finding Commission under article 90 of the first Protocol Additional to the 1949 Geneva Conventions. The services of this existing body can be called upon whenever violations of international humanitarian law occur in armed conflict. It can conduct enquiries into the alleged breaches of the Geneva

Conventions or their Protocol I and facilitate, through its good offices, the restoration of an attitude of respect for international humanitarian law.

Peacekeeping itself has to be seen as part of a continuum, stretching from prevention to conflict resolution and peace-building. In the area of conflict prevention, the European Union fully agrees with the recommendation to consider wider use of preventive peacekeeping operations or other preventive monitoring presence. The United Nations Preventive Deployment Force in The former Yugoslav Republic of Macedonia was the first ever United Nations preventive deployment mission. It serves as a positive and encouraging experience from which many lessons can be drawn for the future.

The European Union strongly agrees with the recommendation to strengthen the Organization's capacity to plan and deploy rapidly. Quick action may often limit or even prevent conflict and breaches of human rights and international humanitarian law. In this respect, the European Union welcomes the steps taken to establish a rapidly deployable mission headquarters within the Department of Peacekeeping Operations and looks forward to its early and full operation. The European Union stresses the importance of providing adequate resources to that headquarters. Deployment of international military or civilian police observers to monitor the situation in camps for refugees or internally displaced persons is also a measure that must be seriously considered.

The European Union agrees with the recommendation to make greater use of targeted sanctions so as to improve the effectiveness of sanctions while minimizing their humanitarian impact. Targeted sanctions, aimed at specific individuals and entities of the targeted country, have already been adopted by the Security Council on certain occasions. We also agree that the proposals made by the President of the Council to the sanctions Committees in January 1999 form a good basis for further efforts to develop standards and rules aimed at minimizing the humanitarian impact of sanctions.

The protection of civilians is fundamental to the purposes and principles of the United Nations. The international community must not stand by, helpless, in the face of humanitarian catastrophes. The tragic events taking place in East Timor before the eyes of the world are the most recent unfortunate example of why the United Nations must act. We all have fresh in our minds the violent attacks unleashed on the civilian population of East Timor following the popular consultation of 30 August this year, with the complicity of elements of the Indonesian armed forces and police. In the case of East Timor, the Security Council has demonstrated its capacity to react swiftly, effectively and in line with the recommendations of the Secretary-General. In this light, the European Union welcomes the adoption of resolution 1264 (1999) authorizing a multinational force to assist in restoring law and order in East Timor.

The Security Council has a special responsibility and special powers to authorize coercive action when international peace and security are threatened as a result of systematic and widespread violations of international humanitarian law and human rights law, ranging from the imposition of arms embargoes or sanctions to intervention — when all other measures prove ineffective — to protect the civilian population from immediate threats to their lives and to ensure the safe passage of humanitarian convoys. The European Union believes that the factors presented by the Secretary-General to be considered in extreme cases when contemplating an intervention are relevant in that context and may help the Security Council to further develop an active policy aimed at preventing or alleviating profound human suffering wherever it occurs.

In conclusion, the European Union would like to express its appreciation for the present report, which is very action-oriented and provides a good basis for further active engagement by the Security Council to ensure improved protection of civilians in armed conflict.

The President: The next speaker inscribed on my list is the representative of Mongolia. I invite him to take a seat at the Council table and to make his statement.

Mr. Enkhsaikhan (Mongolia): It is a great honour for me to have the opportunity to participate in an open debate in the Council on the question of the protection of civilians in armed conflict. At the outset, I would like to express my delegation's appreciation to you, Mr. President, for pursuing the timely initiative to hold another open debate in the Council on this important issue with the participation of United Nations Member States and to have the Council adopt a bold resolution.

My delegation's thanks and appreciation also go to the Secretary-General for his report to the Council prepared in response to the Council's previous open debate held on this item last February and to the alarming general situation to which, yesterday in the debate, the United Nations High Commissioner for Human Rights

once again drew the attention of the Council and, indeed, the international community. My delegation shares the general assessment of the situation and supports the recommendations contained in the Secretary-General's report on how the Council and Member States should act in order to improve the protection of civilians in situations of armed conflict, in which innocent civilian populations, in particular women and children, suffer in great numbers.

This century has been the bloodiest one that humankind has ever known. The next century should be different. We all know the appalling statistics of human suffering as a direct result of armed conflict, or indirectly, as a consequence of violence against innocent civilians, refugees or displaced persons. Today more than 90 per cent of armed conflicts take place within, rather than among, States. That means that in most cases it is the civilian population that is targeted. As a result, the world is witnessing various kinds of violence, including intimidation, brutalization, torture, killing, mutilation, genocide, "ethnic cleansing" — all used against helpless civilians in different parts of the world. Therefore, it is my delegation's strong belief that the subject of today's debate is crucially important and that the Council should search for more efficient and comprehensive ways to address this issue. It would be accurate to say that the question of the physical, moral, economic and other terrible sufferings of civilians in situations of armed conflict arises in almost every meeting of this Council and in other important United Nations meetings on the issue of international peace and security. This fact alone testifies to the serious and critical nature of the issue.

In this context, my delegation would like to note with satisfaction that the Council, which bears primary responsibility for the maintenance of international peace and security, has always paid attention to the question of the protection of civilians in armed conflict. However, the question has always been addressed in the context of a particular emergency situation or a particular case. Addressing this question specifically should result in an action-oriented resolution or decision of the Council addressed to the entire membership of the United Nations, the United Nations family and civil society.

No conflict or crisis is the same. Therefore, we believe that a serious and constructive approach towards emergency situations could be workable and thus productive. The international community has a fresh example of such a constructive yet firm approach in the case of East Timor.

In this regard, my delegation duly appreciates the steps taken by the Council in addressing the emergency situation in East Timor by sending its mission to Jakarta and Dili, holding an open debate in the Council and adopting, three days ago, resolution 1264 (1999), authorizing, as a priority measure, the establishment of a multinational force to restore peace and security in East Timor, to protect and support the United Nations Mission in East Timor (UNAMET) and to facilitate humanitarian assistance operations there. My delegation fully supports the Council's action aimed at halting and reversing, as soon as possible, the unfolding humanitarian catastrophe in East Timor. My delegation welcomes such a style of work and expresses the hope that it will be, where appropriate, pursued by the Council in the future.

In the meantime, we welcome the cooperative approach displayed by the Government of Indonesia towards the establishment of a multinational force, as was suggested by the Secretary-General and supported by the majority of the international community, to restore peace and security, protect the people, and honour and implement the results of the popular consultation as painlessly as possible. We express the hope that the multinational force will be established and dispatched as soon as possible.

Allow me, in this light, to express my delegation's strong belief that international involvement in this case will be in the interest not only of the Indonesian and East Timorese peoples, but also in the interest of stability, peace and security in the region.

The reason I mention here the case of East Timor is not because that it is the most recent one, but because such a swift international reaction to unfolding tragedy represents the kind of response by the Council that is expected of it in such emergency situations.

I should like, therefore, to repeat my delegation's belief that the most efficient means of protecting civilians would be to prevent conflict situations and tackle their root causes, as they result in untold suffering for such vulnerable segments of the population as children, women, the elderly and so on. This is the central theme of the introduction of this year's report of the Secretary-General on the work of the Organization. Many instructive and constructive ideas are reflected in this report that the Council may find useful when preparing the draft resolution on this issue.

On the other hand, the international community must be concerned with the disrespect for, and even violations of, international humanitarian and human rights principles and norms in many, if not most, of the affected areas. This was rightly pointed out in the Secretary-General's report as the gap between law and reality. Therefore it is my delegation's belief that the international community should do more to strengthen international legal enforcement mechanisms, under which the parties to the relevant international Conventions on international humanitarian and human rights law would strictly comply with their obligations. In this connection, we believe that the speediest creation of an International Criminal Court, as a global legal mechanism to address impunity and serve justice, would be instrumental in punishing the perpetrators of such grave crimes as well as in serving to deter the commission of such crimes in future.

Though the Preparatory Committee for the establishment of the International Criminal Court has made some progress in drafting the rules of procedure and evidence, and the elements of crime, for application by the Court in future, much more remains to be done if the deadline of 30 June 2000 set by the Rome Conference is to be met. Bearing in mind this year's tragic developments in many parts of the world, my delegation expects the third session of the Preparatory Committee, to be held later this year, to be fruitful in moving the international community closer to establishing an independent, competent and viable Court. In order to achieve that goal, genuine political will by States is crucial.

Many of the previous speakers have referred to another important aspect of human security: the physical protection of persons. Since this issue has been extensively covered in the Secretary-General's report, I would like only to inform the Council that my country, Mongolia, will sign in 10 days, here in New York, a Memorandum of Understanding with the United Nations concerning its contributions to United Nations standby arrangements, whereby it would be contributing staff officers, military observers, doctors and other medical officers. Mongolia will also soon be acceding to the 1994 Convention on the Safety of United Nations and Associated Personnel.

In conclusion, allow me to reiterate once again my delegation's support for the Secretary-General's recommendations to the Council on this item as well as for the United Nations efforts to protect civilians in armed conflict. We hope that, as a result of today's debate, a weighty and viable resolution will be adopted to adequately deal with this important issue. Thus the Council should not only strongly condemn the deliberate targeting of civilians in situations of armed conflict; it should also call upon the international community to take practical measures, such as acting forcefully in situations where civilians are targeted; including in the mandates of peacekeeping, peacemaking and peace-building operations special protection and assistance provisions for groups requiring such protection; making use of targeted sanctions; raising the minimum age for recruitment and participation in hostilities to 18; and so on. The draft resolution that is being discussed among the members of the Council contains concrete measures that need to be taken. We believe, therefore, that these could serve as a good basis for such a resolution.

The President: The next speaker inscribed on my list is the Permanent Observer of Palestine to the United Nations. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-Kidwa (Palestine): Allow me, Sir, to congratulate you on your assumption of the presidency of the Security Council and to express appreciation to your predecessor, Ambassador Andjaba of Namibia.

The protection of civilian persons in armed conflict is a matter of great importance to the international community. We believe that the concerted interest shown recently by the Security Council in this matter is appropriate and necessary and we hope that it will continue until sufficient and serious protection of civilians in armed conflict is ensured in all cases.

In this regard, we appreciate the report on this matter presented by the Secretary-General to the Security Council at the request of the latter. The report makes a useful analysis of the threats and violence against civilians in armed conflict and the role of the Security Council in this regard, and it details recommended measures to strengthen both legal and physical protection. We agree with many of the recommendations made in the report, especially in the field of accountability. The key remains for the Council to take actions to promote a climate of compliance. Ensuring compliance is a condition for achieving credibility and avoiding the emergence of a double standard and the application of different sets of values.

We were perplexed, however, by the fact that the report fails to mention the incessant Israeli occupation of Palestinian land along with the examples it gives on violations of international humanitarian law. The report

even fails to mention the occupied territories and Lebanon among the places where peacekeeping personnel have been harassed or have lost their lives. The Secretary-General's report on Qana is still fresh in our memories.

Today, Palestine refugees number more than 3.5 million people, representing the oldest and biggest refugee problem on the agenda of the international community. Israel refuses to implement General Assembly resolution 194 (III) of 1949 on the Palestine refugees and Security Council resolution 237 (1967) on displaced persons. For the past 32 years, Israel, the occupying Power, has continued to occupy the West Bank, including Jerusalem, and the Gaza Strip. It has continuously committed grave breaches of the Fourth Geneva Convention, Additional Protocol I and the Hague Regulations. It has effectively created a situation of colonization and annexation of parts of the occupied territories, including Jerusalem — a unique case at the end of the twentieth century.

The Security Council has responded by adopting 24 resolutions which reaffirm the applicability of the Fourth Geneva Convention to the territories occupied by Israel since 1967, including Jerusalem. Many of the Council's resolutions called upon Israel, the occupying Power, to comply with the provisions of the Convention and to accept its *de jure* applicability. In several cases, the Council also called for measures to ensure the safety and protection of Palestinian civilians living under Israeli occupation. The Council also called upon the High Contracting Parties to the Convention to ensure respect by Israel for its obligations under the Convention in accordance with common article I. However, Israel, the occupying Power, has not complied with or even accepted any of the aforementioned resolutions.

Over the years, the General Assembly has adopted even stronger positions. In April 1997, the General Assembly held the tenth emergency special session to consider illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. The session reconvened four times, during which it recommended that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article I.

On 15 July 1999, for the first time in the history of the four Conventions, a conference to consider a specific situation was convened in accordance with the recommendations of the tenth emergency special session. We believe that this was an extremely important step, not only with regard to the situation in the occupied Palestinian territory, including Jerusalem, but also with regard to international humanitarian law and the efforts to ensure respect for and compliance with its instruments.

We emphasize our situation, while at the same time we are aware of the many examples strongly requiring serious efforts by the international community to bring an end to the suffering of civilians, especially women and children. It is unfortunate that today, as we celebrate the fiftieth anniversary of the four Geneva Conventions, we cannot also take pride in and celebrate their full respect and applicability. In Palestine and everywhere, we have to make progress to create a different and safer situation than that faced today by civilians in armed conflict. The draft resolution, which we hope the Council will adopt, will be an important move in that direction.

The President: The next speaker inscribed on my list is the representative of Norway. I invite him to take a seat at the Council table and to make his statement.

Mr. Leiro (Norway): We would like to thank you, Sir, for organizing this meeting of the Council on this important topic. Let me also join other speakers in congratulating the Secretary-General on a timely and highly useful report to the Security Council on the protection of civilians in armed conflict, as well as the High Commissioner for Human Rights for her inspiring statement yesterday. We appreciate this opportunity to take part in an open debate on this report.

The issues before us are vital to many people around the world and the realities faced by civilians in armed conflict present major challenges to the international community. As the report clearly states:

> "The protection of civilians in armed conflict would be largely assured if combatants respected the provisions of international humanitarian and human rights law." (*S/1999/957, para. 35*)

These provisions must be complied with by all. We urge Member States to ratify the major instruments of international humanitarian, human rights and refugee law and to take the necessary steps in order to fully implement them. In this context, early entry into force of the Rome Statute of the International Criminal Court is of high importance so as to ensure that the perpetrators are held accountable. Moreover, States are not the only actors in armed conflicts. Rebel groups and opposition

fighters continue to target civilians. A call to respect the norms contained in international humanitarian, human rights and refugee law must therefore also be addressed to them.

Women and children are often the most vulnerable civilians in armed conflict. Not only do they become victims when war leads to the breakdown of the social fabric and the disintegration of families; women and children are also, in some cases, deliberately targeted by combatants for gender-based violence and sexual and other exploitation. Children are recruited, trained and used as so-called efficient soldiers.

The particularly disturbing situation of children in armed conflict was highlighted in the Security Council meeting held on 25 August and in the resolution adopted at that meeting. Arms small and simple enough for children to carry and use are unfortunately highly available on the international market. Their availability contributes to destabilization and makes post-conflict rehabilitation more difficult. The people who enter conflict zones in order to alleviate the suffering of civilians have themselves become targets of violence. The picture painted in the report by the Secretary-General on the situation faced by civilians in armed conflict is complex and ugly, but unfortunately real.

The Security Council has consistently reaffirmed its primary responsibility for the maintenance of international peace and security, and on several occasions has recognized that massive and systematic breaches of international humanitarian and human rights law represent a threat to international peace and security.

The concrete recommendations put before the Security Council in the Secretary-General's report are therefore timely and welcome. They merit close consideration and discussion. Further work is required to ensure proper consideration of the recommendations and of how they can effectively be implemented. Norway therefore urges the Security Council to establish an effective mechanism to ensure that the recommendations of the Secretary-General are acted upon.

The President: The next speaker on my list is the representative of the former Yugoslav Republic of Macedonia. I invite him to take a seat at the Council table and to make his statement.

Mr. Čalovski (The former Yugoslav Republic of Macedonia): Allow me first to express my great satisfaction at seeing my old friend, the representative of the Netherlands, a country with which the Republic of Macedonia enjoys excellent relations, presiding over this session of the Security Council on the protection of civilians in armed conflict. You will, of course, have the full support of my delegation, Sir, in your endeavour to see this debate end successfully and with important results.

The views of my delegation coincide with those expressed by the representative of Finland, who spoke on behalf of the European Union.

The decision of the Security Council to convene an open meeting on the protection of civilians in armed conflict, including the subject of international humanitarian law, should be seen as an important positive development and an important change by the Security Council and by the Organization as a whole, on the implementation of international humanitarian law. This includes the Geneva Conventions of 1949 — whose fiftieth anniversary was recently observed by many organizations, including by the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, and the International Institute of Humanitarian Law of San Remo — and the concept of human rights in armed conflict, as adopted in 1968 by the International Conference on Human Rights in its Proclamation of Teheran.

That decision means that the Security Council will start to be involved in the protection of civilians in armed conflict as an implementation mechanism of the international community to enforce international humanitarian law and the Geneva Conventions, which until now, as stressed by previous speakers, have often been ignored, unsatisfactorily implemented, seriously violated and abused; their violators have not really been brought to justice. It is also of paramount importance that the permanent members of the Security Council have agreed with this course of action, which means — and this is very important — that they will be guided by Article 24, paragraph 1, of the United Nations Charter.

In the twenty-first century, there will be no important distinction between international and internal armed conflicts. The present distinction will simply disappear, and it would be wise for the international community, primarily the Security Council, to be prepared for this coming situation. The Secretary-General's decision to request the observance of international humanitarian law by United Nations peacekeepers is a good start in this respect. What

happened and what is happening in Kosovo and Metohija, Federal Republic of Yugoslavia, in East Timor and, before that, in Bosnia and Herzegovina, in Rwanda, in Sierra Leone and so on, are good illustrations of the new reality, and, in that regard, of the new obligations of the Security Council.

One of the questions to be asked at present is why the United Nations has not so far been involved in the implementation of the Geneva Conventions of 1949 on international humanitarian law. Why was that important task of the maintenance of international peace and security left to individual States parties to the Conventions, to the ICRC and the International Federation of Red Cross and Red Crescent Societies and other non-governmental organizations? In our view, the answer is known: it was because the implementation of international humanitarian law requires a correct observance of the principles of the sovereignty of States and of non-interference in the internal affairs of other States. Our view, which I think is shared by many delegations, is that the situation has changed since the end of the cold war. The violation of human rights in armed conflicts, the rights of refugees and other human rights can no longer be the subject of selective concern. The violation of human rights is everybody's concern. The same should hold for the duty to observe all human rights — of course, in particular when we are faced with mass violations, such as those in armed conflict.

It is therefore the duty of United Nations Member States and of the main organ of the United Nations, the Security Council, which is responsible for the maintenance of international peace and security, to act fast and effectively. We were pleased to see the Council in action on East Timor recently.

The Security Council should request without delay or hesitation that the Secretary-General prepare the necessary reports in close cooperation with the ICRC, the International Federation of Red Cross and Red Crescent Societies and the Offices of the United Nations High Commissioners for Human Rights and for Refugees for deliberation and action by the Council. The Council should ask for reports and documentation. In that endeavour, the prime concern of the Secretary-General and the Security Council should be the enforcement of the observance of human rights, and the well-being and dignity of civilians in danger, not so much, as I said earlier, a preoccupation with the observance of the principles of the sovereignty of States and of non-interference in internal affairs — which, of course, should not be ignored.

Another question to be dealt with is what the Security Council should do to prevent the spread of the non-observance of international humanitarian law. The best thing would be for the Security Council to take immediate action to freeze or to stop a conflict and undertake measures aimed at finding solutions. The initiative for this could come from the Secretary-General, from competent regional organizations or from Member States. The Security Council should be resolute, inventive and innovative and should act under Article 24, paragraph 2, of the Charter. I would like to stress that the permanent members of the Council should avoid acting under Article 27, paragraph 3, of the Charter. Under Article 24, paragraph 1, the Security Council is requested to act on behalf of Member States. That means that the members of the Security Council should not act on their own behalf. If they are not in a position to act on behalf of Member States, it should be possible for the Secretary-General to request the urgent convening of the General Assembly. That would be a rational and democratic thing to do and would strengthen the role of our Organization altogether and prevent its marginalization. It is impossible to understand or accept that the Security Council cannot act fast and resolutely in the implementation and enforcement of international humanitarian law.

As the Security Council has begun to deal with the implementation of international humanitarian law, it is important to see what should be done with existing international humanitarian law and with refugee law, both of which are regulated by numerous instruments that were adopted long ago, in 1994 and 1951, during different times and for different purposes, but which are nevertheless in force at present. In this regard, we are faced with several problems: the relationship among the three bodies of human rights law; the laws themselves; and their implementation. In our view, the Security Council at present is not really well prepared to handle this situation and it should start preparing.

The competent body for dealing with international humanitarian law is the International Committee of the Red Cross (ICRC); the Office of the United Nations High Commissioner for Refugees, for refugee law; and the High Commissioner for Human Rights, for human rights. The fact is that these bodies of laws are so highly regulated that one needs to be a real expert in order to know them. And that simple situation is a source of serious difficulties in the implementation of these laws in the field. At present, as we all know, there is a huge gap between the laws contained in the instruments and their

implementation in the field. You have a situation in which militaries are engaged in armed conflict, but in which the victims are civilians.

This problem should be addressed. In our view, we have two alternatives. The first one is to strengthen existing international humanitarian and refugee law by adopting new protocols or by adopting amendments to the Geneva Conventions. The second alternative is to start a process of "deregulation" and adopt new instruments — new Geneva Conventions — on international humanitarian law and on refugees. The second alternative, of course, is more difficult but, in my view, more promising.

We believe that the time has come to discuss and agree on a mechanism for enforcement of the implementation of human and refugee rights in armed conflicts. This will probably be discussed at length at the forthcoming International Conference of the Red Cross and Red Crescent that will be held in November in Geneva, as we were informed by the Observer of Switzerland. In the future we will have the International Criminal Court, which will be part of the implementation mechanism. But that will not be enough. The important role of the ICRC and the International Federation of Red Cross and Red Crescent Societies should continue. The action of competent regional organizations such as the North Atlantic Treaty Organization (NATO), the OSCE and the Organization of African Unity (OAU) will continue to be important. But in our view, the time has come to decide that the Security Council should act as a central mechanism for the enforcement — and I emphasize enforcement — of international humanitarian law.

The concern of the international community for the victims of violations of the Geneva Conventions should not be interpreted as support for those who seek to achieve political goals by the use of force. The Council should take into account that the development of international law has left the period of coexistence that began 10 years ago after the end of the cold war and has entered a period of cooperation. The forces of globalization will influence the Security Council to act against the violation of human rights, in particular against violations in armed conflicts. Accountability must prevail and justice must be done.

Speaking generally, it is of particular importance to promote all efforts to deal not only with the consequences but also with the sources of armed conflicts, which, as members know, are not only political, but also social and economic.

The Security Council should abide strictly by the principles of the inviolability of international borders and of the integrity of each Member State. But, as I have stressed, as in the next century there will — I hope — in fact be no international conflicts and most of conflicts will be internal, the only way the Security Council will be able to help civilian victims will be to act to enforce international humanitarian law. The Charter of our Organization demands from the Security Council not only that it help to maintain international peace and security, but also that it contribute to the respect of human dignity.

Let me express my great appreciation for the contribution made by the Secretary-General in his report contained in document S/1999/957 of 8 September 1999.

In conclusion, I would like to say something as a footnote to my statement. In my view, it may perhaps be advisable for the Security Council to organize its open meetings differently, not as they are organized at present. In my view, the Security Council should first listen to what States non-members of the Security Council would like to say on the item on the agenda. After that, members of the Security Council could make their statements. In this way, they would be able first to hear the positions of the broader membership, which is so important at present when we are investing so much energy and time in democratizing our Organization and in making the work of the Security Council more transparent and, of course, more relevant. The absence of so many of the Permanent Representatives of States members of the Security Council prompted me to add this footnote, and I hope it will be understood properly.

The President: I thank the representative of the former Yugoslav Republic of Macedonia for the kind words he addressed to me.

The next speaker is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Lee See-young (Republic of Korea): Allow me at the outset to extend my delegation's appreciation to you, Sir, for taking the initiative of organizing this open debate on the very important issue of protecting civilians in armed conflict. We recognize highly the effort of the Netherlands to build on the previous Council debate on this subject — a debate initiated by Canada in February of this year — and also to promote the transparency of the work of the Council. My delegation equally appreciates Secretary-General Kofi Annan's

comprehensive and action-oriented report on this issue and his inspiring statement yesterday morning. My appreciation goes also to Mrs. Mary Robinson for her valuable contribution yesterday and to Mr. de Mello in particular for his important role in the process of preparing this important report.

Across the planet, the plight of innocent civilians, in particular those of vulnerable groups, has been continuing with alarming frequency and intensity, as those in war zones have increasingly become the deliberate targets of warring parties. It is all the more frustrating to note this unfortunate trend when just last August we celebrated the fiftieth anniversary of the entry into force of the Geneva Conventions.

To deal with this daunting challenge with a sense of urgency, the Republic of Korea, during its presidency of the Security Council in the month of May 1997, took the initiative of organizing an open debate, the first of its kind, on the subject of protecting humanitarian assistance to refugees and others in conflict situations. My delegation is pleased to see that our initiative has been continuously followed up and further expanded by other like-minded member States. In this regard, my delegation welcomes wholeheartedly the Secretary-General's report contained in document S/1999/957 as a comprehensive blueprint for future action by the Security Council and other relevant organs, bodies and agencies of the United Nations to improve both the legal and the physical protection of civilians in armed conflict.

My delegation therefore supports the draft resolution before the Council, which endorses a number of practical recommendations contained in the Secretary-General's report. My delegation hopes that the adoption of this draft resolution will mark another step forward for the international community in its fight against the culture of impunity and to foster a climate of compliance.

Having said that, I would like to highlight the following points to which my delegation attaches particular importance.

My first point concerns the issue of how to strengthen the legal framework so as to better protect civilians in conflicts. We are encouraged by the recent developments aimed at enabling the international community to collectively combat the culture of impunity. In particular, we are encouraged by the adoption in Rome last year of the Statute of International Criminal Court. The Security Council has set examples by establishing the two ad hoc Tribunals for the former Yugoslavia and for Rwanda. In this context, we agree with the Secretary-General's view that there is a need to consider using enforcement measures to facilitate the arrest and surrender of those persons accused by the ad hoc Tribunals, and to devise judicial and investigative mechanisms, with national and international components, pending the establishment of the International Criminal Court.

In view of the urgency of better ensuring the safety of United Nations and humanitarian personnel, we join the Secretary-General's call for early ratification of the 1994 Convention on the Safety of United Nations and Associated Personnel. My delegation also favours the exploration of an appropriate mechanism to extend the scope of legal protection to cover all personnel. As suggested in the report before the Council, the development of a protocol to the 1994 Convention could be a useful idea.

Now I would like to turn to the issue of how to improve the physical protection of civilians in conflicts. My delegation believes that the Security Council should continue to take a proactive role in this field as the international community increasingly considers serious humanitarian problems to be a threat to international peace and security. The first issue I would like to raise in this regard is the need to strengthen the United Nations capability for conflict prevention and rapid response to crises. My delegation concurs with the Secretary-General's recommendation on the proactive use of a preventive monitoring presence in areas of potential conflict and on the deployment of preventive peacekeeping missions. We believe that the positive contribution made by the United Nations Preventive Deployment Force can be further built upon.

In view of the multifaceted nature of recent conflicts, there is an urgent need to strengthen the rapid-reaction capability of the United Nations to cover not only the traditional mandates of peacekeeping but also a number of other functions of peace-building, in particular protection of humanitarian assistance to of innocent civilians and of their human rights. In this context, we would like to join the appeal to all Member States to participate more actively in the United Nations Stand-by Arrangements System, with increased inclusion of specialized civil and humanitarian units. We also support the Secretary-General's recommendation to make use of relevant human rights information and analysis as indicators for potential preventive action by the United Nations.

Secondly, I would like to touch upon the issue of sanctions and arms embargoes. The Security Council has made consistent efforts to refine the use of sanctions. While we recognize the difficulty of achieving "smart sanctions" in the real world, we also believe that there is a continuing need to minimize collateral, unintended humanitarian suffering through the imposition of more specifically targeted sanctions and mechanisms for periodic substantive reviews.

Arms embargoes should be imposed in all situations where parties to the conflict target civilians. With cross-border arms flows in full swing, country-specific arms embargoes may not suffice to staunch the illicit flow of arms, and therefore the regional approach warrants serious examination. The Security Council should also devise a more reliable mechanism to better implement the arms embargoes which have already been imposed by the Council in some conflict areas but which have been deemed ineffective. This problem ought to be urgently addressed in the interest of both the credibility of Council action and the practical need to stop an activity responsible for prolonging civilian suffering.

Thirdly, in his report the Secretary-General encourages Member States to give political and financial support and assistance to other States to facilitate compliance with the Ottawa Convention on Landmines. Removing landmines has now become a global agenda item, requiring global action. In both conflict and post-conflict situations, mine clearance is an urgent precondition for securing the minimum safety of civilians. As a donor of the Mine Action Support Group, the Republic of Korea has, since 1996, actively participated in demining activities in Cambodia, Tajikistan and Ethiopia. We will continue to make such contributions in the future.

Fourthly, we would like to echo the primary importance of maintaining the civilian and humanitarian character of refugee camps. We have witnessed the ramifications of the failure to do so in some conflict situations, most notably in the Great Lakes region of Africa. We fully support a number of practical suggestions made by the Secretary-General, in particular the deployment of international military observers and the relocation of camps to a safe area away from war zones. My delegation also appreciates the ongoing efforts made by Mrs. Ogata and the Office of the United Nations High Commissioner for Refugees, to deal with this problem through the elaboration of three tiered options, namely, soft, intermediate and hard.

Last but not least, we share the view of the Secretary-General that it is important to establish an agreed mechanism and timetable for follow-up and review of the report. The primary responsibility of the Security Council resides in promoting the political settlement of regional conflicts in such a way as not to unjustly prolong civilian suffering. My delegation hopes that following the Council's adoption of the draft resolution today, the implementation of concrete recommendations will be tenaciously pursued, closely monitored and periodically reviewed in close collaboration with other United Nations organs and agencies and, of course, with the full support of the entire United Nations membership.

Let me conclude by reiterating my delegation's hope that the Security Council will continue to expand its involvement in the area of protection of civilians and all displaced persons in conflict situations in the months to come. For its part, the Republic of Korea will continue to be actively involved in and to make contributions to this process.

The President: The next speaker inscribed on my list is the representative of Ukraine. I invite him to take a seat at the Council table and to make his statement.

Mr. Yel'chenko (Ukraine): At the outset, I would like to join previous speakers in thanking the Secretary-General for submitting a very informative and substantive report on the protection of civilians in armed conflict and for making a statement on this extremely important subject.

We also appreciate your role, Mr. President, and the role of the delegation of Canada, in convening the current open debate. The growing number of open debates in the Security Council apparently demonstrates a positive tendency towards an increase in transparency in the work of the Council, which my country has always advocated.

Ukraine's position and views on the agenda item now before the Security Council again have been stated several times on recent occasions and have not undergone any changes of principle. Therefore, welcoming this new opportunity to address the multifaceted problem of the protection of civilians in armed conflict, I would rather limit myself to making a few remarks on the basis of the Secretary-General's report.

The importance of the problem under consideration is well-known. We fully share the concern of the Council, referred to in paragraph 1 of the Secretary-General's report in document S/1999/957, that

> "civilians continued to be targeted in instances of armed conflict, in flagrant violation of international humanitarian and human rights law".

It is truly regrettable that, despite quite a number of basic instruments in international humanitarian, human rights and refugee law which provide for the essential legal protection of civilians in armed conflict, the gross violations of their rights around the world have not yet ceased. The tragic facts alluded to in the Secretary-General's report on the situation of civilians in ongoing conflicts vividly demonstrate this.

In this regard, the Secretary-General's report has, in our view, rightly placed the accent on the growing perception within the international community of the urgent need to turn to the effective implementation of international humanitarian law. At the same time, I believe that promotion of the rule of law in all aspects related to the protection of civilians in armed conflict is the tenet which helps us to deliberate on today's subject in a more holistic manner. Moreover, this understanding becomes more topical in view of the fact that this year marks the centenary of the Hague Convention and the fiftieth anniversary of the Geneva Conventions. More than a year has passed since the Statute of the International Criminal Court was adopted at the Rome Conference.

In this context, Ukraine generally supports the measures recommended by the Secretary-General to strengthen legal protection for civilians in armed conflict, and stands ready to consider their implementation.

It is also worth mentioning that this year has been marked by yet one more truly important and remarkable event: the entry into force on 15 January of the Convention on the Safety of United Nations and Associated Personnel. We believe that this document started a new phase of conducting United Nations peacekeeping operations under conditions of increased protection for the personnel involved, both military and civilian. Furthermore, the Convention provides the Security Council and the General Assembly with an additional mechanism to encourage all Member States and the parties to a conflict, including non-State actors, to fully respect the status of United Nations and associated personnel, as well as the personnel of international humanitarian organizations.

Ukraine is proud to be among those 25 Member States which, last June at the second Summit on the Security and Independence of the International Civil Service, were presented with a memorable award in appreciation of their ratification of that Convention — a ratification that enabled its early entry into force.

The delegation of Ukraine considers that the recommendation of the Secretary-General, paragraph 43 of his report, to extend the scope of legal protection to all United Nations and associated personnel, including locally recruited staff, through the development of a protocol to the 1994 Convention, deserves further discussion. As the initiator of the very idea and a sponsor of the initial draft of the 1994 Convention, Ukraine looks forward to the possible deliberations on this idea at the current session of the General Assembly.

The delegation of Ukraine also took careful note of the Secretary-General's conclusion on the humanitarian impact of sanctions in general and on the targeted sanctions issue in particular. It seems to us that the Security Council should examine practical ways of how to avoid, or at least greatly minimize, a negative impact on the civilian population. In addition, we feel that further thinking must be done in the area of the impact of sanctions on third States.

For this purpose, the Security Council should, in our opinion, give careful consideration to the potential social, economic and humanitarian impact of sanctions on the population of the target State and those of third countries prior to the imposition of sanctions. Following the imposition of sanctions, the possible options should be envisaged so that appropriate adjustments can be promptly introduced to sanctions regimes in order to mitigate their adverse collateral effects.

Undoubtedly, there is no single remedy to resolve the problem of civilians in armed conflict. On the one hand, the roots of conflicts are deep and complex. On the other hand, there is a lack of effective mechanisms for the implementation of existing major instruments of international law.

At the same time, as has been stated by many speakers during this open debate as well as during previous ones on this topic, it is undeniable that the best way to prevent the suffering of the civilian population in armed conflict is to eliminate conflicts themselves or, rather, to prevent their emergence. In that sense, the role of the Security Council in this matter remains primary.

Recognizing the critical role played by many other United Nations and non-United Nations bodies and humanitarian agencies in protecting civilians in armed conflict and in providing them with humanitarian assistance and all necessary relief, we stand by our position that the Security Council should be the guiding and coordinating organ in these international efforts.

Therefore, we believe that the great number of concrete ideas emanating from the detailed analysis of the situations of ongoing conflict presented in the Secretary-General's report, as well as in many of the statements made yesterday and this morning, should receive an appropriate response by the Security Council.

My delegation is very satisfied that most of those ideas are duly reflected in the draft resolution that is before the Council today. In the same vein, we hope that the provisions of the draft to be adopted will not remain only on paper but will be fully respected and implemented, thus effectively contributing to resolving the problem of civilians in armed conflict.

In conclusion, I would like to assure the Council that Ukraine is committed to seeking ways to further enhance the protection of civilians in armed conflict and to fully support the Security Council's decisions to that end.

The President: The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table and to make his statement.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): I would like to thank you, Mr. President, for organizing this important meeting. Our thanks go as well to the Secretary-General for his timely report.

The issue discussed in the report is among the most important ones facing the international community. It is taking on increased significance because of the nature of the problems to which it gives rise, and therefore it should be given careful study.

Though we have been receiving reports on this issue from the Secretary-General for more than seven months, we are now being urged to discuss this question only a week after the publication of this latest report. This subject should have been dealt with in a timely manner, either by the Security Council itself or by all Members of the Organization or the international community.

We support the measures taken by the Security Council in the framework of the Charter and within the prerogatives of the Council under the Charter, and we approve its readiness to act in situations where civilians are targeted and where humanitarian assistance is wilfully prevented from reaching its intended recipients. We welcome the statements made by Council members, including the permanent members, on 21 January, 12 February and 22 February 1999 on that subject — that is, that the Council should act within its prerogatives and in accordance with the Charter, intervening only if there is a threat to international peace and security.

We also join the call to move away from double standards in the field of human rights, and we believe that the same attention should be devoted to those situations, wherever they may arise, that involve a loss of civilian life in armed conflict or which are a source of untold suffering, without allowing the political considerations of Council members, and especially of the permanent ones, to prevail over the collective considerations of the Council and of the United Nations as a whole.

The protection of human beings and their right to live in peace and security should always be the sacred objective of societies. This idea has evolved throughout the development of civilization to this very day and has been marked by the idea of the State as the protector of its citizens. Today we are witnessing unprecedented interest in the protection of the human individual, and we strongly support this new idea. However, and in just as balanced a manner, we believe that we should not focus only on one criterion that has been studied in depth. We believe that the right of society, within the framework of a State, to protect itself and its future should also be preserved.

Therefore, any international action to protect civilians should not involve only the entity responsible for the protection of citizens — the State, with all of its incumbent duties — but we sincerely believe that the international community must respond to any attempt to harm civilians in situations of armed conflict, be it during an international conflict or in an internal situation where a State may have lost control of its territory. We also support the idea that transgressors should be brought to justice under international legislation and the relevant machinery.

The report was submitted at the request of the Security Council, which asked that the Secretary-General

put forward specific proposals in order to enable the Security Council, within the scope of its responsibilities, enhance the physical and legal protection of civilians in armed conflict.

To this end, before I go into the thinking behind the report of the Secretary-General and his proposals, let me say that we believe that we first should deal with the question of the mandate and responsibilities of the Council, including the future of the Charter.

Article 24 of the Charter defines the role of the Council. It is responsible for the maintenance of international peace and security. In carrying out this task, it is duty-bound to respect the purposes and principles of the Charter. The mandate of the Council is to decide whether the continuation of a conflict might threaten international peace and security and to submit a report in this connection containing recommendations on ways to resolve the conflict pursuant to Chapter VI.

The Council may also act pursuant to the Charter within the framework of Chapter VII if it feels that peace is threatened or violated or if it believes that incidents constitute aggression pursuant to Article 39 of the Charter.

The legal framework for Council action is defined by respect for the purposes and principles of the Charter, that is, the non-use of force except in the implementation of Council resolutions adopted pursuant to Chapter VII. This means that a conflict must threaten or violate international peace or be deemed aggressive. The Council should not intervene in the internal affairs of States pursuant to paragraph 7 of Article 2 of the Charter.

The Council's role is thus to act in a practical manner to ensure peace, whereas the role of the General Assembly is legislative. The Assembly has its own purview: to consider all issues pertaining to peace and the general principles of cooperation to alleviate human suffering, including the protection of civilians in armed conflict. In brief, this distinction means that the Council is responsible for the maintenance of international peace and security in the strictest sense, whereas the Assembly is responsible for the follow-up assessment of international situations and the human right to live in peace and stability.

On this basis, we would hope that the Security Council is able to address this subject within the framework defined by the United Nations Charter, while respecting the delicate checks and balances between the various United Nations bodies, especially the General Assembly, as well as United Nations and other agencies, governmental and non-governmental, responsible for the protection of civilians.

I shall now address the logic behind the Secretary-General's report and recommendations. From the outset, the Secretary-General has quite rightly stressed the major problem involved in international law: the lack of machinery to ensure its implementation. Though this is a genuine problem, we must understand that it arises from the facts that international law is based on States' being on an equal footing and that the United Nations is not a supranational Organization. A careful consideration of the report will reveal that this situation both raises the Security Council above member States and places the prerogatives of the United Nations, its various bodies and other international organizations into the Council's hands. This anomaly needs to be closely analyzed, especially in the light of the current international situation.

We do not approve of the report's tendency to favour practical considerations over respect for law and the principles of the Charter. To be sure, compatibility must exist between the implementation of international humanitarian law and the provisions of the Charter. We cannot, however, forget the importance of consulting States and of reaching prior agreement with them, because we cannot conceive that the need to implement international humanitarian law or practical considerations for humanitarian protection could compel us to flout the Charter. That is inconceivable to us. If we seek to plug the gaps in the edifice constructed by the Charter, this should be done legally and through measures advocated by the Charter. A great deal can be accomplished thereby towards ensuring the protection of civilians in armed conflict.

A great deal of the report is devoted to humanitarian action. We find this preponderance reflected neither in law nor in the common endeavours of States embodied in the agreements and resolutions of international organizations. This is in fact one of the most controversial topics addressed here at the United Nations and beyond. Attempts to implement intervention through the actions of the Council do not bestow the legitimacy which the Council lacks. If, as we see it, the logic of the report is to give the Security Council a role beyond that currently mandated by the Charter, we cannot but question such logic. We shall therefore comment on certain ideas set forth in the report.

First, the report disregards the principle of obtaining the agreement of States to preventive measures that might violate their sovereignty or reduce or affect their political unity or territorial integrity. This flouts the sacrosanct Charter principle of the sovereignty of States.

Secondly, some recommendations made in the report would have the affect of allowing the Council, by taking legal measures, to act counter to instruments of international law and human rights, whereas States may choose other means of legal and political recourse. The recommendations may sometimes run counter to the provisions of accords by which the parties agree to settle their disputes.

Thirdly, we are cautious with regard to the request made of the Council in the report to play a monitoring role in the implementation of international agreements, whereby the Council would compel States to sign and ratify agreements, withdrawing their reservations, and States would advise the Council on steps which they may have taken in this regard. This role is well beyond the Council's prerogatives and competence.

There are many other points which we might raise in this framework. However, I would like to say in conclusion that it is a good, even desirable, idea for this item to be included on the agenda of the General Assembly and of the Economic and Social Council for further study and more detailed examination as an extension of this welcome initiative taken by the Security Council. The responsibilities and prerogatives of the Council are based on the Charter. Implementing the ambitious plan of the Secretary-General, as we would wish, requires coordination between the United Nations and organizations which provide humanitarian protection, something which is currently beyond the capacity of the United Nations or the Security Council.

The President: Before giving the floor to the next speaker, I would like to inform the Council that it will not be possible to wind up our meeting without breaking for lunch. It is, however, my intention to keep the lunch break to what I would like to describe as a civilized minimum and, accordingly, I intend to suspend our meeting from about 1.15 p.m. to 2:30 p.m.

The next speaker inscribed on my list is the representative of Slovakia. I invite him to take a seat at the Council table and to make his statement.

Mr. Tomka (Slovakia): I wish to express the appreciation of my delegation at the convening of this second open Security Council debate on the protection of civilians in armed conflict. The fact that the Council is about to adopt a draft resolution on this occasion attests to the importance of the topic. Slovakia has aligned itself with the statement of the representative of Finland delivered on behalf of the European Union. Nevertheless, allow me to make some additional comments.

Only three weeks ago, the Security Council held an open debate on children and armed conflict, an issue of equal importance and actually of the same nature. The delegation of Slovakia participated in that debate, underlining the necessity of a comprehensive approach to an issue which has humanitarian, as well as ethical, political, legal, military and socio-economic aspects.

We welcome the report of the Secretary-General (document S/1999/957) submitted to the Security Council in response to its presidential statement (document S/PRST/1999/6) of 12 February 1999. My delegation appreciates the comprehensive and integrated way in which the Secretariat has been dealing with the issue, as well as the 40 recommendations by the Secretary-General on how the Security Council could act to improve both the physical and the legal protection of civilians in situations of armed conflict. We are confident that these recommendations deserve the full attention of the Security Council in its further deliberations.

The plight of civilians in armed conflict is of great concern to the international community. While in the Second World War civilians accounted for 48 per cent of the casualties, today up to 90 per cent of conflict casualties around the world are civilians, and increasingly large numbers of these are children and women. Those figures are shocking, and we simply cannot ignore them.

As I pointed out in my statement on 25 August, the situation is much more complicated due to a profound shift in the pattern of today's conflicts. Many of them have taken the form of intra-State factional violence, civil strife and ethnic clashes, often marked by the collapse of State institutions and a breakdown of law and order. Most of today's conflicts are fought not only by regular armies but also by irregular armed groups, militias, foreign mercenaries, criminals and other disparate groups that have little knowledge of or respect for the rules of international law. The deliberate obstruction of humanitarian assistance to civilians and refugees by the combatants, using civilians as living shields and

employing organized violence against humanitarian and peacekeeping personnel is, in many cases, a major element of their military strategy. According to estimates, civilians are suffering from the effects of conflict and its aftermath in approximately 50 countries around the world. In recent years, United Nations staff and other humanitarian workers have lost their lives or have been abducted in 19 countries.

The Security Council has primary responsibility for the maintenance of international peace and security. Most important — and this is to be welcomed — it has recognized in its resolutions adopted in recent years that repression of the civilian population, ethnic cleansing, genocide, large-scale forced displacement and relocation of civilians and other flagrant violations of international humanitarian law constitute a threat to international peace and security.

A major problem has been the failure of States to bring to justice those who violate international humanitarian law and human rights. There are a number of relevant international treaties in this respect, such as the Fourth Geneva Convention and the two Protocols Additional, the Convention on the Prevention and Punishment of the Crime of Genocide and the Convention on the Safety of United Nations and Associated Personnel, just to mention a few. The setting up of ad hoc Tribunals for the former Yugoslavia and for Rwanda, and last year's decision to establish a permanent International Criminal Court have been other major steps in combating the culture of impunity.

However, the mere existence of these legal instruments without an effective enforcement mechanism does not automatically ensure their implementation. Furthermore, not all States have ratified or acceded to the Protocols Additional to the Geneva Conventions or to basic international human rights instruments and conventions concerning refugees. Only four States have ratified the Rome Statute of the International Criminal Court so far.

Slovakia is a party to all major instruments of international humanitarian law, human rights law and refugee law. We were among the first to ratify the Convention on the Safety of United Nations and Associated Personnel, and we signed the Rome Statute of the International Criminal Court last year; we are determined to complete the ratification process next year. We support the work of the working group of the Commission on Human Rights on a draft protocol to the Convention on the Rights of the Child, regarding the involvement of children in armed conflict, as well as the extension of the scope of the Convention on the Safety of United Nations and Associated Personnel to all categories of United Nations and associated personnel, including locally recruited staff.

In order to push forward a culture of compliance, the Security Council should urge Member States to ratify relevant international treaties, as well as to incorporate them into national law and, in particular, to ensure their full implementation. There should also be a concerted effort to coerce non-State actors into compliance with international law, mainly through the principle of individual criminal responsibility.

The Security Council should more actively concentrate on preventing conflicts at an early stage. An early warning system should be further enhanced, and preventive diplomacy should play a more active role in potential conflict situations. The violation of human rights has almost always been the prelude to a conflict which eventually brings about disastrous humanitarian consequences. We fully concur with the Secretary-General that the Security Council should make use of human rights information and analysis originating from experts and mechanisms of the Commission on Human Rights as an indicator for potential preventive action by the United Nations.

As recent experience has shown, the effort of combatants to push away the international presence, including humanitarian personnel, from the area of conflict is another ominous sign of impending humanitarian catastrophe. The reason is simple: to avoid or eliminate any potential witnesses of intended or committed atrocities or acts of genocide. Within the context of early warning, the Security Council should be able to react promptly and ensure a preventive monitoring presence in the area or, if necessary, to authorize the deployment of a preventive peacekeeping force.

Situations of total war have exposed the most vulnerable sectors of civilian populations, women and children, to horrendous violence. The disintegration of families and the breakdown of the social structure during times of armed conflict leave women and girls especially vulnerable to gender-based violence and sexual exploitation. Women also constitute the majority of refugees and internally displaced persons. Since contact between United Nations peacekeeping personnel and local populations during peacekeeping operations has been increasingly close and direct, it is important that participants in peacekeeping operations be given specific training prior to deployment that addresses local cultural

sensitivities, as well as gender-sensitivity issues. The Secretariat and Member States should be further encouraged to provide United Nations peacekeeping missions with more women personnel, including women military and civilian police officers, who could play a very useful role in tackling gender-sensitivity aspects of humanitarian emergencies.

The President: The next speaker inscribed on my list is the representative of Rwanda. I invite him to take a seat at the Council table and to make his statement.

Mr. Mutaboba (Rwanda): May I, first of all, join other speakers in congratulating you, Mr. President, for leading this Council through its fruitful deliberations. I would also like to extend my congratulations to your predecessor, the representative of Namibia.

Thank you for giving us the floor to address the Council for a second time this year on a topic of great importance to us. As much as we were worried about child soldiers or children in armed conflicts at the time of the last open debate, civilians as a whole should be given even greater attention in armed conflicts so as to minimize social, physical and psychological casualties.

Rwanda is yet another example of a place where innocent civilians were victims of armed conflict in different forms from the early 1960s until very recently. Civilians were targeted by politicians and their soldiers or militias on the basis of who they were and where they were born. They were used by Government forces and authorities as human shields during the liberation war as far back as 1990 and until 1994.

When our troops stopped the genocide in July 1994, the same evil forces crossed into the former Zaire and into Tanzania. Members will remember how heavily armed they were and remain. My delegation would like to remind the world that efforts to reconcile the interdependent but often quarrelsome imperatives of assistance and protection to refugees and displaced people offer a vivid example of the need to retain neutrality, apply principles, respect local views, and devise new policy formulas to deal with unprecedented challenges.

The classic contemporary example of this dilemma was observed in the Rwandan refugee camps in what was then eastern Zaire and is now the eastern part of the Democratic Republic of the Congo, where the Office of the United Nations High Commissioner for Refugees (UNHCR) faced the historic problem of separating combatants from bona fide refugees. The Security Council and the then Mobutu Government, which was host country to the Rwandan refugees and militias, denied the UNHCR that option. As a result, the key architects of the 1994 Rwandan genocide kept control of the bulk of the Rwandan refugees and were relied upon by humanitarian agencies for the distribution of humanitarian assistance to the civilians who were really in need. The ever-free militia resorted openly to intimidation and force to stop refugees willing to return home. They and former Rwandese Government forces possessed arms, and this marked the beginning of many cross-border attacks by militia members who were unlawfully enjoying refugee status and humanitarian assistance.

Civilians were threatened, attacked and killed for expressing the wish to return to Rwanda. The militia carried out summary executions and other acts of physical violence in broad daylight. Most of the administrative leaders of the former Rwandan genocidal regime had fled with their administrative apparatus to Zaire and Tanzania, where they could easily control the camps. Tanzanian authorities, with our many thanks, did their best to disarm those who were armed, but the authorities of the former Zaire and the humanitarian bodies — including, unfortunately, United Nations bodies — failed to do so, thus leaving innocent civilians to their own fate. This has to be avoided in the future.

However, the Rwandan Government at that time warned on many occasions that unless the broader international community was able to regain political and military control over the camps, it would be helping the Rwandan genocidal forces to come and finish the job they had started in 1994. In the following two years, United Nations agencies and international non-governmental organizations continued to feed and support the so-called refugee camps that were the military bases from which those who had perpetrated genocide pursued a murderous terrorist campaign, targeting survivors of the 1994 genocide and those in the local population who refused to collaborate with them. The attackers were armed and the victims were civilians.

Faced with no alternatives and noticing the lack of political will by the international community to dismantle the camps that had, against the Council's resolutions, become the biggest depots of sophisticated weapons supplied by some of those who had failed to stop the genocide and who chose to close one eye and watch with the other, the Rwandan people had once again been left to their own fate. However, this time such complicity and

idleness could not be tolerated and left to be nurtured. The Rwandan Government, its army and its people collectively refused to be victimized by another genocide and decided to do the job themselves. We rescued our people, civilians and soldiers alike, from the grip of the architects of the 1994 genocide, some of whom are still active in the Democratic Republic of the Congo. It is the Council's responsibility to deal with those criminals.

As a result, in late December 1996, it took less than one week for Rwanda to cease being depicted by the world community as a refugee-producing factory. Over 800,000 Rwandans had been successfully repatriated after the Rwandese Patriotic Army dismantled the Rwandan refugee camps. Had the same cameras and humanitarian assistance facilities followed the returnees home, the world would not feel ashamed of truly learning a lesson from the Rwanda experience. This lesson does not seem to have been learned by many, unfortunately, and we deplore that. Nevertheless, it is never too late.

The Rwandan experience has proven that with political will and commitment, the task of separating combatants from bona fide refugees can be done — even by the so-called weakest cockroaches on Earth. The major lesson to be learned is that this is even more feasible when serious screening to distinguish between those who really merit refugee status and those who do not is done early enough. We cannot allow innocent civilians to be left to themselves due to our lack of consistent policies and timid, unclear positions.

Before I conclude, my delegation wishes to strongly welcome the Secretary General's report and this Council's presidential statement of 12 February this year. We hope the world can be offered better chances of enjoying life through appropriate and timely decisions.

The refugee crisis in the Great Lakes region and the ongoing crisis in the Democratic Republic of the Congo stemmed from bad leadership, but also from lack of action to address the culture of impunity. I would like to remind the Council yet again of the existence in the Democratic Republic of the Congo of active, armed renegade forces, though the Lusaka ceasefire agreement urged their dismantling, disarming, repatriation and rehabilitation. Unless this Council takes appropriate action to disarm these genocidal forces, there is a risk that the fragile peace will be jeopardized by these unpunished forces, at the expense of civilians who it is our duty to protect. If this cycle of impunity is tackled by all of us, and if it is broken by addressing the real root causes of the rampant problems in the region, then we may see a better future for civilians and soldiers alike. But we have to work hard to make sure that no one and nothing holds us back.

The President: I thank the representative of Rwanda for the kind words he addressed to me.

The next speaker is the representative of India. I invite him to take a seat at the Council table and to make his statement.

Mr. Sharma (India): The report of the Secretary-General which forms the basis of our discussions today is so far-reaching in its implications that I think most of us would have welcomed the chance to study it in greater depth than we have been able to so far. Nevertheless, we thank you, Sir, for this opportunity to speak to the Council again on the protection of civilians in armed conflict.

I listened with great attention yesterday to the Secretary-General's eloquent presentation of his report and to the very moving statement made by the United Nations High Commissioner for Human Rights. We share completely their concern for the plight of civilians in armed conflict and admire their passionate advocacy. The problem is an extremely complex one. It is natural and understandable to be moved by emotion. Indeed, it is this that leads to a sense of deep concern and engagement. But the solutions we propose must be pragmatic and dispassionate; above all, measures to counter illegalities must themselves enjoy complete legality.

When I spoke to the Council in February, I spelled out some of the complexities involved, because some of the experts in the field who spoke to the Council before me had conveyed a general impression that this was both a relatively simple matter and a recent problem which could be addressed by vigorous action from the Council. Reading the first few sections of the Secretary-General's report, I note that it acknowledges the validity of several of the points that we and others had made.

However, the recommendations that the report goes on to make are far-reaching but require much deeper consideration. Though it frequently deplores the fact that legal instruments have been ignored by those who have accepted their provisions, the report seems to have followed suit. Like the bishop who recently confessed that he could not recall more than 5 of the 10 commandments at any one point of time, the report seems to be selective about the contents of the Charter,

nowhere more so than in the provisions that relate to the Security Council.

To refresh our memory, Article 24 sets out the functions and powers of the Security Council, and Article 24, paragraph 2, notes that the specific powers granted to it are laid down in Chapters VI to VIII and Chapter XII. In each chapter, the Council's powers are narrowly defined by the Charter. Where it is given a role in an area not within its specified competence, as in Chapter XII, the Charter specifies the limits of the Council's authority. For instance, Article 83, paragraph 3, spells out that the Security Council should work through the Trusteeship Council

> "to perform those functions of the United Nations under the trusteeship system relating to political, economic, social and educational matters in the strategic areas".

In other words, apart from the strategic and military aspects of security, the Council has no direct role in any of the other areas listed in Article 83, paragraph 3. This is a principle that applies generally to the Security Council's place in the United Nations system. This being the case, we find it odd that the bulk of the recommendations in this report invite the Security Council to take actions in areas not within its competence.

Recommendation 1 would have the Security Council urge Member States to ratify major instruments of international humanitarian law, human rights treaties and refugee law and, even further, to withdraw reservations they might have entered. First, this clubbing of three different sets of law creates a continuing confusion. The report has tended to forget the distinction between human rights and the provisions of humanitarian law, and the very different contexts in which they are applied. Secondly, if it is proposed that the Council do this, acting under Chapter VII, to make its decisions binding on Member States, that would make nonsense of the Vienna Convention on the Law of Treaties, which emphasizes the sovereign right of nations to decide which international instruments they will accept and to what extent they will be bound by them. If that is not the intention, then the Council's call is both meaningless and redundant.

Recommendation 2 attempts to draw the Council's attention to the non-state actors who, as we said in February, commit the most violations of humanitarian law, are party to no treaties and have no intention of abiding by international law. But this recommendation leaves unaddressed the further question we had posed: how does the Council propose to impose its will on non-state actors? Will representatives of the Council fly out to Angola, for instance, to distribute copies of this report, or of any decision the Security Council may take on it, to UNITA cadres, threatening a further debate here if they do not comply?

These fundamental objections apply equally to recommendations 3 to 6. In particular, recommendation 3 stretches the Security Council's competence under Chapter VII well beyond anything authorized by the Charter. The ad hoc tribunals, set up by the Council to uphold law, are themselves of dubious legitimacy, since the Charter does not give the Council this right or any role in the administration of justice. Nevertheless, these tribunals exist. However, if, for instance, a fugitive from one country were to take refuge in another, it could hardly be argued that, if the authorities declined to surrender the fugitive to an ad hoc tribunal, a threat to peace had taken place or that there had been a breach of peace, or that the authorities in the one country had carried out an act of aggression against the other. We are concerned, therefore, that the report is recommending that the Council use enforcement measures to induce compliance with the orders and requests of the tribunals.

On recommendation 7, the Guiding Principles on Internal Displacement have been presented to the Commission on Human Rights, but have no further intergovernmental approval. The first point, therefore, is that these principles do not as yet enjoy wide international acceptability, even though we may not cavil at them. This being so, simply as a matter of formal procedure, it is improper to encourage the Security Council to encourage States to follow these principles, particularly because internal displacements are problems that are the responsibility of the States concerned, and matters primarily within their sovereign jurisdiction.

On recommendation 8, there is no universal acceptance as yet that the minimum age of recruitment to the armed forces of States should be 18. Since, in any case, the maintenance of international peace and security does not depend on the age at which young men and women can be drafted into armed forces, there is no role for the Council here. Nor indeed does the Council have either the competence or the right to ask Member States to expedite their negotiations on an optional protocol to the Convention on the Rights of the Child. This is completely outside the Council's mandate, and a matter exclusively for the States parties to decide.

We can sympathize with the intent of recommendation 9 but, again, it has not been thought through. How, for instance, is anyone to determine whether combatants recruited by non-State actors are below the age of 18? Insurgents and terrorists have not been known in the past to insist on birth certificates being produced before they recruit to their ranks. If the language here implies that the Council would automatically act under Chapter VII, very careful thought needs to be given to the implications of this recommendation. The imposition of sanctions under Article 41 follows on the determination by the Council under Article 39 that there is a threat to the peace or breach of the peace, or that an act of aggression has taken place. It would be extremely difficult to argue that the use in armed conflict of children below the age of 18, however undesirable, and however unsavoury the non-State actors who employ them, can fall within the ambit of Article 39.

On recommendation 10, we make the same point as on earlier recommendations: it is not within the remit of the Council to ask Member States to ratify an international instrument. That is the function of the General Assembly.

On recommendation 11, apart from the general objection that it exceeds the scope of the Council's powers, there is a further consideration that it is not the Council's business to concern itself with the protection of all United Nations and associated personnel. That is a matter that comes squarely within the remit of the General Assembly; an invitation from the Security Council is redundant.

Recommendation 12 is completely vague. What is meant by "deployment in certain cases"? Can certain symptoms be identified for which preventive peacekeeping is the cure? If so, these should have been spelt out. We suspect there are none, and therefore the Council will continue to take decisions in an ad hoc manner on situations as they arise. Almost by definition, there can be no general prescription.

Recommendation 13 implies in part that the Council has been remiss in doing what it is expected to do under Chapter VI, and also makes a recommendation that has little content. What are the "appropriate procedures" that the Council is expected to recommend? Unless Member States, including in the Security Council, have a clear idea of what these should be, they can hardly make an informed decision on whether these would be appropriate.

On recommendation 14, Security Council working groups are unlikely either to improve the Council's understanding of issues or, more importantly, to prevent the outbreak of violence. For instance, even if such a working group had been in existence before the massacres took place in Rwanda, it would have made no material difference, as the international community did nothing not because it had not studied the problem in depth, but because the Security Council lacked the political will to act. Also, in several volatile situations, permanent members could have a direct interest or be implicated; by definition, a Council working group will get nowhere on them. The only issues on which a working group might be able to have a broad, academic and dispassionate debate would be those where the interests of permanent members were not engaged. The utility of having working groups is therefore very limited.

Recommendation 15 will damage the integrity of an extremely important component of the human rights machinery in the United Nations system. The treaty body experts and the mechanisms of the Commission on Human Rights are independent institutions; they are also supposed to be completely apolitical. The moment their recommendations start to be used by a body as politicized as the Security Council, the chances are that these mechanisms will fall into disrepute, Member States will be less willing to cooperate with them and, without adding an iota to the efficiency of the Council, the functioning of the human rights system will be severely impaired.

Recommendation 16 makes a perfectly valid point about the control or closing down of media assets that foment hate. However, it is completely silent on the vastly more powerful role that sections of the international media play in promoting tendentious points of view, or simply through a concentration on the dramatic, forcing precipitate, and sometimes ill-judged, international action. The demonization of target groups by sections of the international media is a case in point. A further point, since Council action is being urged, is what is meant by "appropriate measures"? Does this include, for instance, the use of military action?

Recommendation 18 would have the Council demand access, which is not automatic under international law. As we reminded the Council in February, there is no automatic right of access under the Geneva Conventions. Also, in August, the Subcommission on the Promotion and Protection of Human Rights adopted a resolution emphasizing that the so-called duty and right of humanitarian intervention is juridically totally unfounded under current international

law. The second half of this recommendation, again threatening the use of sanctions, violates Charter provisions for the same reasons as recommendation 9.

Recommendation 19 would mean that the right of humanitarian access — which itself, as I have just said, is not one sanctioned by international law — would extend not just to a particular State, but also to neighbouring States through which assistance would be delivered. Therefore, the sovereignty of a multiplicity of States would be automatically diluted to establish a right of humanitarian intervention which does not exist in international law. The even more extraordinary aspect of this recommendation is that the Security Council is asked to urge the States neighbouring a particular country to bring to the Council's notice, as a matter affecting peace and security, any issue that might threaten the right of civilians to assistance. This means that even if there is no threat to peace and security, such a threat could be manufactured in the complaint, or that the complaint in itself would be considered proof that such a threat exists. This would automatically sow dissension between neighbours, and undermine regional peace. As a matter of procedure, it would call into question the sovereign right of nation-States to make decisions on matters which they consider to be a threat to peace and security in their region, by laying down parameters which are arbitrary and ill-defined.

On sanctions, the subject of recommendations 22 to 25, our views have been stated before. We believe that sanctions are by definition a blunt instrument; whether they are used indiscriminately, or on particularly painful parts of the anatomy, the effect is largely the same. Nevertheless, we entirely support the need for the Council to be much more selective and cautious in the use of sanctions, for the Council to take a close look at the effects that sanctions have had on the civilian populations of the countries where these have been in effect for some time, and to have it put in place automatic mechanisms for relief to third countries affected by sanctions.

On recommendations 28 and 29, there should be an awareness by now that the Council mandates peacekeeping operations, but does not have the responsibility under the Charter to strengthen the Organization's capacity to do anything. That is squarely a matter for the General Assembly, and these requirements of the Secretariat should be put to the General Assembly through the Special Committee on Peacekeeping Operations.

Recommendations 31 and 32 need further consideration. It is true that there have been instances where certain national contingents have not behaved well as part of United Nations peacekeeping operations. However, it is another matter to make a general recommendation that an ombudsman or an ad hoc fact-finding mission should necessarily be put in place for all peacekeeping operations. Apart from anything else, when every peacekeeping operation is strapped for cash, it would be difficult, on financial grounds alone, to justify these extra institutions.

In recommendation 34, the Council is urged to confirm that regional organizations have the capacity to operate according to "international norms and standards". What are these norms and standards? And how would the Council set about confirming this, unless deficiencies are established in practice, or unless the Council does an elaborate vetting of an organization's capabilities, for which it has neither the expertise nor the mandate? Instead, what we would like to see affirmed is the principle that the role of regional organizations must strictly conform to Article 53 of the Charter.

Recommendation 35 is again far too sweeping. There is no indication here that the consent of a Member State is required before international military observers can be deployed. The alternative would be the implication that, wherever internally displaced persons or refugees are to be found, the Council would automatically act under Chapter VII and order the deployment of international military observers, even over the objections of a Member State. Since observers would need protection, an international military presence must necessarily be set up at the same time. The implications of this do not have to be spelt out.

The import of recommendation 36 is difficult to understand. How is it the Council's business to mobilize international support for national security forces? Apart from anything else, what, in practical terms, does the Secretariat wish the Council to do?

The same question arises from recommendation 37. The location or relocation of camps is primarily the business of the country concerned, and among international organizations, that of the High Commissioner for Refugees. How, in practical terms, is the Security Council to mobilize international support for the relocation of camps?

Before I end, I will draw attention to only two of several lacunae in the analysis of the problem in the report. The basic point has not been made that civilians

are at threat in armed conflict, and have been throughout this century, because of the concepts of total war introduced during the First and Second World Wars, and which continue to form part of the strategic doctrines of the most powerful military States. Unless that basic problem is addressed, civilians will continue to be at threat in armed conflict. We had also made the point in our earlier intervention, and I will simply recall it here without belabouring it, that, as long as the principal nuclear-weapon States continue to predicate their security on the use of nuclear weapons, even against non-nuclear threats, the safety of civilians cannot be secure.

I have spoken at length, but, apart from the recommendations, not on the other sections of the report. We have given our responses to each recommendation and not merely generalized comments, for the sake of clarity, believing this to be the more practical approach and not in a spirit of critique. We respect and share the sense of concern and the motivation to alleviate suffering and wrong which motivates the report. The subject of the report is indeed a very grave challenge before the world community. I have concentrated on the recommendations because these are the elements on which the Council is invited to act. These require much deeper thought and consideration, including in the General Assembly and other forums, and we would strongly urge the Council to regard them as a contribution to further reflection, rather than as a basis for action.

The President: There are a number of speakers remaining on my list. However, in accordance with my earlier announcement, I now intend, with the concurrence of the members of the Council, to suspend the meeting until 2.30 p.m.

The meeting was suspended at 1.25 p.m.

United Nations S/PV.4046 (Resumption 2)

Security Council

Fifty-fourth Year

Provisional

4046th Meeting

Friday, 17 September 1999, 2.30 p.m.
New York

President:	Mr. van Walsum	(Netherlands)
Members:	Argentina	Mrs. Martínez Ríos
	Bahrain	Mr. Buallay
	Brazil	Mr. Fonseca
	Canada	Mr. Fowler
	China	Mr. Chen Xu
	France	Mr. Dejammet
	Gabon	Mr. Essonghé
	Gambia	Mr. Jagne
	Malaysia	Mr. Hasmy
	Namibia	Mr. Andjaba
	Russian Federation	Mr. Lavrov
	Slovenia	Mr. Türk
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Holbrooke

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/1999/957)

99-85811 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Service, room C-178.

The meeting resumed at 2.45 p.m.

The President: The next speaker inscribed on my list is the representative of Botswana. I invite him to take a seat at the Council table and to make his statement.

Mr. Legwaila (Botswana): Let me thank you, Sir, for organizing this important debate; in the same breath, I would like to thank the Secretary-General for his insightful report (S/1999/957) on this very important issue.

The question of the protection of civilians in armed conflict is not new. From traditional society to our modern world with its elaborate written laws, it has always been understood that persons who are not involved in combat during an armed conflict should not be subject to attack. The Geneva Conventions of 1949 and other international instruments of humanitarian and human rights law prohibit the targeting or endangering of civilians during times of hostilities.

However, as we are all aware, civilians, particularly children and women, have become habitual targets of war at a time when we should be considering ourselves more civilized than our ancestors. Children are habitually abducted and turned into killers, couriers and the sexual slaves of armed thugs. Women are raped in order to shame the enemy or destroy its morale. Whole groups of civilians, by virtue of their ethnicity or religion, are with wanton regularity decimated, "cleansed" and threatened with extinction. In short, today's wars, particularly those that go by the misnomer of civil wars, are nothing more than glorified acts of terrorism in which the laws of war are totally ignored.

All of these atrocities are being perpetrated while we have in place institutions and instruments created to avert them and punish the perpetrators. We therefore need to ask ourselves how we can endeavour to become more effective at utilizing these institutions and instruments. It was with this in mind that we found the report of the Secretary-General of paramount importance and relevance. While all its contents and recommendations may not curry favour with everybody in this Organization, we dare say that we find most of them to be quite appealing. They reinforce what we have always thought should be done in situations of armed conflict and in endeavours to prevent the eruption of conflict.

Our central vocation as the United Nations is to discourage recourse to the use of force, to save succeeding generations from the scourge of war. We fully share the Secretary-General's view on nipping potential conflict situations in the bud, so to speak. The United Nations should utilize this capacity early, when signs of a potentially explosive situation are there. The experiences of Rwanda, and recently of East Timor, should teach us a lesson. Timely use of the Secretary-General's good offices and cooperation with regional organizations in preventive diplomacy should be exploited to the full.

There can be no doubt that, whenever the situation so demands, no effort should be spared to attempt some preventive deployment of peacekeepers, negotiators or mediators. We fully subscribe to the Secretary-General's observation that this form of deployment had an immeasurable impact in the former Yugoslav Republic of Macedonia. Where the situation has gone beyond preventive action, the Security Council should at least develop the habit of instantly informing the parties to a conflict about their obligations towards civilians and the consequences of violating international humanitarian and human rights law. It should be made clear that children in particular should not be used as soldiers or otherwise targeted. The Security Council should not just threaten, but should make good on its threat. There should be no hesitation over imposing an arms embargo or other targeted sanctions where evidence exists that a party or parties to an armed conflict are deliberately targeting civilians.

Humanitarian assistance to civilians is essential during an armed conflict. Parties to a conflict should therefore allow unimpeded access and provide security guarantees to humanitarian agencies and their personnel in the discharge of their duties. Anyone who fails to do so, in our view, should be held to account under international humanitarian law. It is becoming quite clear that denial of access to humanitarian assistance by a party or parties to an armed conflict has become a valuable weapon of war.

It is indeed disturbing that even though the majority of Member States of the United Nations are party to the international instruments on humanitarian and human rights law, such instruments continue to be violated with impunity. My delegation finds merit in the recommendation by the Secretary-General that where war crimes and crimes against humanity have been committed, the Security Council should act without fear or favour. The Council should not only put in place a mechanism for ensuring that the suspects are apprehended and punished, but must also do all in its power to enforce the warrants of arrest.

My delegation also supports the recommendation that as Member States of the United Nations, we should strive for the early ratification of the Statute of the International Criminal Court. If this can be achieved sooner rather than later, it will go a long way in enabling us to enforce respect for humanitarian and human rights law.

We are also of the view that the minimum age for recruitment and participation in hostilities should be raised to 18. This is quite consistent with our own policy and practice as a country. Furthermore, we are supportive of the call for accelerating the process of negotiating an optional protocol to the Convention on the Rights of the Child on children in armed conflict.

In conclusion, we fully agree that peacekeeping and peace-making missions should be structured in such a way that the special protection of assistance requirements for children and women and the elderly will always be paramount.

The President: The next speaker is the representative of Israel. I invite him to take a seat at the Council table and to make his statement.

Mr. Gold (Israel): I would like to congratulate you, Sir, on your assumption of your important post. Let me also commend your predecessor on the outstanding manner in which he conducted his duties previously.

The State of Israel has a deep and historical interest in the growth, integrity and respect of international humanitarian law in general and the Geneva Conventions, in particular. As a nation that lost one third of its population in the nazi occupation of Europe in the most heinous case of genocide in human history, Israel's own birthright in engraved with a particular responsibility to prevent this crime from occurring again against the Jewish people, and a universalist commitment to combat genocide, crimes against humanities and war crimes wherever they may occur.

In this context, Israel is concerned with what is transpiring today regarding those international instruments designed to protect civilians in armed conflict, including the Geneva Conventions. The world community is facing at least 20 ongoing armed conflicts across the globe that have led to acute starvation, ethnic cleaning and the physical eradication of entire communities. A basic paradox confronts the international community in this regard, for while the Geneva Conventions in particular have received nearly universal support by the accession of 188 countries, it remains a challenge to ensure that the provisions regarding civilians in armed conflict are upheld on the ground and accorded the respect they deserve. That respect can be widened and advanced if our discourse on the protection of civilians in armed conflict reflects historical truths and not politicized distortions.

For the facts in the case of Israel and the West Bank are that Israeli forces entered these territories during the 1967 Six Day War only after neighbouring States massed their armies along its borders and Israeli cities came under fire from artillery positions in Samaria and in the environs of Jerusalem. History is important, for we are finding the international community is being forced to deal almost exclusively with the results of a war of self-defence from 30 years ago, while ignoring many times wars of clear-cut aggression. The best proof of this trend was the decision to convene the High Contracting Parties to the Fourth Geneva Convention with respect to the West Bank and Gaza and not with respect to any single conflict since 1949. Regardless of these circumstances, Israel has been ready to negotiate a peaceful settlement of the Arab-Israel conflict through Security Council resolutions 242 (1967) and 338 (1973), which were passed in this Chamber in 1967 and 1973, respectively.

In signing the Oslo accords in September 1993, Israel demonstrated that while it is determined to achieve secure and recognized borders as a result of final status talks, it is also determined not to rule over another people. Today, in fact, more than 97 per cent of the Palestinians in the West Bank are not under Israeli occupation, but rather under the administration of the Palestinian Authority. The Oslo accords are a testament to the desire of the people of Israel to take into account the needs of civilians in armed conflict even before that conflict is fully resolved. Now it is the hope of Israel to complete the permanent status negotiations with respect to these territories. Security Council resolutions 242 (1967) and 338 (1973) are the only agreed basis for resolving the Israeli-Palestinian conflict.

This process has not been without risks for, while implementing its agreements with the PLO, Israeli civilians have been directly targeted by terrorist organizations that have operated out of Palestinian-controlled areas. It is our hope and expectation that, with the parties re-engaged in the peace process after the signing of the Sharm El Sheikh Accord, the Palestinian Authority will finally dismantle the operational infrastructure of these terrorist organizations and prevent attacks against Israeli civilians.

In war civilians are in some cases the mistaken casualties because of their proximity to a theatre of operations. In terrorist attacks civilians are the intended target. In war military planners seek to degrade the military capacity of their adversary by striking other military formations, airfields or command and control systems. In terrorist attacks marketplaces, city bus lines or apartment buildings are deliberately targeted. The most direct means for protecting civilians in armed conflict is by combatting the entire phenomenon of terrorism and rejecting any political excuses intended to provide it with support.

The concern of the international community with the protection of civilians in armed conflict should be supported. The protection of civilians goes to the heart of the common values that underpin the United Nations as a whole. Through determined action, and fair as well as balanced implementation of international conventions and instruments, the Member States of the United Nations can assure that the protection of civilians in the twenty-first century can be fundamentally different than the unprecedented atrocities we faced in this century that is about to come to a close.

The President: I thank the representative of Israel for the kind words he addressed to me and my predecessor.

The next speaker is the representative of Pakistan. I invite him to take a seat at the Council table and to make his statement.

Mr. Haque (Pakistan): I would like to begin by expressing our appreciation to the Secretary-General for his comprehensive report on the protection of civilians in armed conflict. I am confident that today's debate will create greater awareness among Member States of the United Nations about the gravity and complexity of the problem and the need to address it on a priority basis.

It is matter of grave concern for Pakistan and for the international community as a whole that violence against civilians in situations of armed conflict has reached dangerous proportions. In most cases this violence is directed against women, children and other vulnerable groups, including internally displaced persons. The statistics contained in the report of the Secretary-General are indeed staggering. The fact that civilian casualties account for almost 80 per cent of the total number of victims of armed conflict and that more than one million people die each year in various conflict areas around the world are extremely disturbing. It is also a painful reality that there are more than 30 million refugees in the world. Pakistan itself has carried the burden of millions of Afghan refugees on its soil for more than two decades and is only too keenly aware of the plight of people who are forced to leave their countries. We therefore condemn unequivocally the targeting of civilians in armed conflicts.

Unfortunately, civilians are subjected to violence despite the existence of a substantial body of international law that has evolved over the years to protect civilians, refugees and humanitarian personnel. It is therefore our collective responsibility to ensure effective adherence to these international legal instruments.

Violence against civilians is an unfortunate and unacceptable by-product of wars and armed conflicts. While recognizing the urgent need to address this issue, my delegation is of the view that it is necessary for the Security Council to address the causes of conflict, including the denial of the right to self-determination of people who are under foreign occupation and suffering oppression and massive violations of their human rights. The Council must work to redress these problems so that conflicts and the grievous consequences that flow from them may disappear.

The Secretary-General has proposed a set of specific recommendations to pave the way for ensuring protection for civilians in armed conflict. These include, to name only a few, proposals for the deployment of preventive peacekeeping operations; the need to establish working groups of the Security Council to address specific volatile situations; the establishment of a permanent technical review mechanism of the United Nations; and the imposition of verifiable arms embargoes to limit the ability of warring parties to wage war against one another and against civilians. These and the other recommendations contained in the report of the Secretary-General will be studied carefully by my Government. I would merely like to note here that at times one needs to stretch one's imagination considerably to find the tenuous linkage between some of the recommendations and the mandate of the Security Council.

The Secretary-General has encouraged the Council to take decisive action to address this critical issue and to promote a climate of compliance. In this context I would like to recall that during the last debate on this subject in the Security Council, in February 1999, a large number of countries pointed out that the report of the Secretary-General should not merely focus on the role of the

Security Council, but should be comprehensive in nature, identifying the role of all concerned bodies and agencies.

We believe that Member States should have the opportunity to thoroughly study and discuss this comprehensive and far-reaching report and its recommendations. We also feel that it is not possible for non-members of the Security Council to engage in an in-depth and interactive discussion of these recommendations in the Council itself. Thus there is a need for a forum, comprising the entire membership of the United Nations, where all Member States can fully participate in such discussions. The Security Council may, therefore, consider requesting the General Assembly to undertake the task of inviting the views of Member States on the report itself and its recommendations, to conduct a comprehensive exchange of views on the issue, and, if necessary, to work towards the elucidation of a legal and internationally binding instrument regarding the protection of civilians in armed conflicts. Pending that, the Council may call for the scrupulous application of the considerable body of existing international law to protect civilians in armed conflict.

The President: The next speaker is Mrs. Sylvie Junod, head of the delegation of the International Committee of the Red Cross to the United Nations, to whom the Council has extended an invitation under rule 39 of its provisional rules of procedure. I invite her to take a seat at the Council table and to make her statement.

Mrs. Junod (International Committee of the Red Cross) (*spoke in French*): First of all I would like to thank you, Sir, along with the other members of the Council, for making it possible for the International Committee of the Red Cross (ICRC) to speak here regarding the protection of civilian populations in armed conflicts. The ICRC warmly welcomes the Council's initiative to undertake an open debate, on the basis of concrete proposals, on a subject of such fundamental importance. But we cannot fail to express our disappointment over the fact that this essential debate is taking place at the very time when we must deplore the powerless of the international community to assure the protection of civilians in various parts of the world. To illustrate this point I will only cite two situations in which our organization has been working for 25 odd years: Angola and East Timor. We hope that in the latter case the imminent deployment of an international force will help to limit the terrible sufferings of a population that remains in danger.

To avoid such situations, the ICRC would like political and humanitarian actors in due course to join forces and unite their efforts in accordance with their respective responsibilities. It seems to us that in calling upon the Security Council to give increased attention to the prevention of conflicts by attacking the root causes of crises and, to that end, establishing a more systematic and specific framework for action, the recommendations of the Secretary-General are on the right track.

In extreme cases, when all initiatives to ensure respect for basic human rights and humanitarian law have failed and when such principles have been rejected outright, humanitarian action as such is disputed, and States must find new remedies. Rapid action must be decided upon and, if necessary, imposed. Such measures should create new conditions enabling humanitarian players to act. But they should not necessarily be included in political decision-making on possible enforcement action.

The ICRC is particularly pleased to note that, when the Council decides to take action based on Chapter VII of the Charter, it will no longer limit itself to political and military considerations but will henceforth take account of the humanitarian consequences of armed conflict for civilians. This is an important step towards discharging the collective responsibility that flows from common article 1 of the Geneva Conventions, which requires States parties not only to respect but to ensure respect for the provisions of these Conventions. In this context, I should like to point out that Article 89 of the first Protocol Additional of 1977 requests States to act in cases of serious violations of the Conventions and the Protocol, both jointly and separately, in cooperation with the United Nations and in accordance with the Charter.

The uncontrolled availability of arms is a threat to civilians that the Council is now beginning to take into account. In conformity with the mandate entrusted to it by the most recent International Conference of the Red Cross and Red Crescent, held in 1995, the ICRC undertook a study of the availability of arms and the situation of civilians in armed conflict, in which it provided an account of its experience in the field and analysed the consequences of the availability of weapons in terms of human rights violations. It is therefore very pleased to note that the Secretary-General agrees with the various initiatives taken to deal with this difficult problem, and has proposed several recommendations to States as part of the measures to be taken to strengthen the physical protection of civilians.

During the open debate in this Chamber on 12 February, the President of the ICRC, Mr. Cornelio Sommaruga, expressed his deep concern about the fact that in a number of armed conflicts both States and non-State actors do not respect even the minimum norms of conduct of international humanitarian law.

That grim picture is brightened today by a note of hope. Indeed, the results of the "People on War" consultation, recently conducted throughout the world by the ICRC for the fiftieth anniversary of the Geneva Conventions, show that the norms enshrined in humanitarian law are still relevant. The basic principles of that law have just been reaffirmed in a solemn appeal, adopted on 12 August, in the presence of the Secretary-General. The ICRC would like to reiterate its deep gratitude to him for his unconditional support.

The ICRC is endeavouring to protect civilians in armed conflict by intervening directly with all parties, including non-state actors, whatever cause they say that they are defending. In this respect, paragraph 51 of the report of the Secretary-General rightly states:

> "humanitarian actors must be able to maintain a dialogue with relevant non-state actors without thereby lending them any political legitimacy".

That is, indeed, the letter of the law. According to common article 3 of the Geneva Conventions, offering the services of an impartial humanitarian organization such as the ICRC does not at all modify the legal status of the entity to which the services are offered. Humanitarian organizations should not, therefore, be criticized, as is sometimes still the case, for maintaining necessary working relations with armed opposition groups during an armed conflict. Rather, they should be encouraged to maintain dialogue with all of those who have some influence on the fate of the victims they are trying to reach.

We join with the Secretary-General in recommending that the Council call upon non-state actors to adhere to these humanitarian norms. The ICRC would like to point out that, if we deny the very existence of armed groups or simply reduce them to the status of criminals or terrorists to whom we should not even speak, that could provide them with a pretext for them to flout their responsibilities towards civilians, prisoners and the wounded.

Respect for humanitarian law, which is a *sine qua non* for the physical protection of civilians, is of great concern to the members of peacekeeping forces. The ICRC therefore warmly welcomes the rules and principles in the Secretary-General's bulletin of 6 August, which was drawn up with the participation of his legal experts. It is furthermore essential, as the report of the Secretary-General indicates, that the personnel involved in regional operations respect and observe humanitarian law. Adequate training seems to be absolutely necessary if the rules and principles are not to become a dead letter.

The ICRC has repeatedly expressed itself on measures recommended for strengthening legal protection. I will therefore keep my comments in this area brief. Yes, our advisory services for international humanitarian assistance are prepared to continue to help States to adopt, on a national scale, specific measures for the appropriate implementation of this law. The adoption of national legislation for punishing war crimes is a priority, especially since the future International Criminal Court will be complementary to national criminal jurisdictions.

The propagation of humanitarian law remains a priority on the agenda of our institution. Local networks are increasingly being trained in this area, and play an irreplaceable role in helping the ICRC to adapt its message to its various audiences and take fully into account different cultural contexts and traditional values. I should like once again to state that in the framework of its mandate to protect humanitarian law, the ICRC is in the process of putting the final touches on a universal study to determine the content of customary regulations. That study, which will be issued next year, will define more clearly the obligations of all parties to an armed conflict, whether the conflict be international or internal.

In his opening statement, the President of the General Assembly at its fifty-fourth session mentioned a number of urgent challenges to be faced: war, displaced persons, refugees, gender equality and the fate of children, in particular children in armed conflict — this last being a direct follow-up to the important resolution recently adopted by the Security Council on that subject. This opens the door to a new era of synergy that can strengthen the protection of civilians in armed conflict.

The international Red Cross and Red Crescent movement must, by its very essence, be an important mechanism of this mobilizing strategy. The protection of civilians in armed conflict goes to the heart of the debate to be held at the twenty-seventh International Conference of the Red Cross and Red Crescent in Geneva at the beginning of November, in which all States parties to the

Geneva Conventions, as well as the movement as a whole, will participate. Its work should lead to the adoption of a specific plan of action for the years 2000 to 2003.

The President: The next speaker inscribed on my list is the representative of Iraq. I invite him to take a seat at the Council table and to make his statement.

Mr. Hasan (Iraq) (*spoke in Arabic*): I should like first of all to thank you, Mr. President, for organizing this open debate.

Civilians constitute the vast majority of human casualties in armed conflict. They are the first victims of the belligerent international environment we live in today. The international community and its organizations should give the utmost priority to this issue. On that basis, we welcome the contribution made by the Secretary-General in the report he has submitted to the Security Council on the protection of civilians in armed conflict, which is contained in document S/1999/957.

We would like to make some observations on the issue under consideration. First, we expect the Security Council to take into account the views put forward by States that are not members of the Council in the open debate held earlier this year on the question of the protection of children and of civilians in armed conflict. Those views should be integrated into the Council's programme of work, in accordance with the functions of the Council, as contained in Article 24 of the Charter of the United Nations, under which it is to act as a representative of the States Members of the United Nations in the fulfilment of its duties, thereby complementing the work of the General Assembly, the Economic and Social Council, United Nations agencies and the international community in general.

Secondly, when the Security Council and the United Nations deal generally with this very important issue, a global perspective must be taken that gives the utmost priority to the prevention of conflicts through activating the mechanism of preventive diplomacy and its machinery and making the United Nations a focal point for that preventive diplomacy. When considering the roots of intra- or inter-State conflicts, we find that one of the reasons for their outbreak is the inequitable and unbalanced international economic environment, which adversely affects the economies of developing countries and creates "hot spots" for conflicts.

As the Secretary-General pointed out, the deteriorating economic situation is conducive to the eruption of violent conflicts for a number of reasons, not the least of which is that the political environment tends to be more favourable to conflict in times of recession than in times of economic growth.

The Secretary-General reiterated that the money currently spent on military intervention and humanitarian assistance could be reallocated to support equitable and sustainable development, thus reducing the likelihood of the outbreak of war. We call upon the countries of the North to contribute to establishing a balanced and equitable world economy that preserves the rights and interests of the countries of the South.

Thirdly, the United Nations, and in particular the Security Council, must adopt the principle of collective responsibility in the peaceful resolution of conflicts. The eruption of a given conflict means the failure of preventive diplomacy — that is, our collective failure. We should all bear our share of this responsibility, including the Council, whose part in this failure is quite clear since it bears primary responsibility for the maintenance of international peace and security. We cannot make the combatants solely responsible for the evils of war.

On the other hand, mistakes, bad judgement or the abuse of the Security Council's mandate can sometimes result in catastrophes that are greater that those caused by armed militias in poor countries. A crime of genocide occurred in Rwanda in 1994, when the Security Council could not muster the political will to stop the situation from deteriorating, as its member countries did not wish to expose their forces to danger in a struggle that did not threaten their interests.

Another crime of genocide occurred, and continues to this day, in Iraq, because the Council took, on 6 August 1990, an erroneous decision by imposing comprehensive sanctions against Iraq. The victims of those sanctions so far have been one and a half million Iraqi civilians, and the fabric of Iraqi society has been rent in a way that will affect future generations.

The Secretary-General, in paragraph 25 of his report to the Security Council, pointed out that "recent experience has shown that sanctions can have a highly negative impact on civilian populations, in particular children and women". It is clear that the Secretary-General was taking into account the suffering of the Iraqi

civilians as a result of the sanctions when he wrote this paragraph, although he did not say that explicitly.

The report published by the United Nations Children's Fund on 12 August 1996 gives documented figures showing that a half million Iraqi children under the age of 5 have died because of the sanctions. Here I must recall that the Charter has no mechanism for making the Security Council accountable to the States Members of the United Nations with respect to the legitimacy of its resolutions and to what degree they conform to international humanitarian law. It is crucial that we consider this very important issue.

Fourthly, it is imperative that the Security Council adopt a fair and equitable policy, eschewing selectivity and double standards, that places the principles of the Charter before the narrow interests of the powerful members of the Council. The actions of the Security Council over this past decade have given us convincing reasons to doubt its integrity, its objectivity and its ability to be effective in the prevention of armed conflicts and in the protection of civilians.

Indeed, the Council has dealt selectively with international crises. Palestinian civilians, for example, experience the worst kind of coercion, humiliation and forced migration as well as the destruction of their homes. Iraqi civilians, suffering from comprehensive sanctions, are exposed daily to attacks by American and British aircraft. Hundreds of them have been martyred as a result of this aggression, and roads, schools and laboratories have been destroyed. All of this is occurring under the very eyes of the Council, which has not taken any measures or called the perpetrators to account. Furthermore, other situations — less dangerous than the ones the Palestinians and the Iraqis are facing — are exaggerated. We fear that the day will come when CNN, the news network, will force a programme of work on the Security Council — if it has not done so already.

Fifthly, the role and task of the United Nations consist of the peaceful resolution of conflicts. The exception to this is the resort to coercive measures. The United Nations demonstrates its effective assumption of its role whenever it is restrained in such resort, as pointed out in the Charter. We have noted, however, that in recent times, the United Nations has had increasing recourse to coercive measures, as if they were the sole and preferable solution. This is, *per se*, proof of incapacity, not of power or strength.

The President: I shall now make a statement in my capacity as representative of the Netherlands.

The Netherlands warmly applauds the Secretary-General's report. It was indeed a *tour de force* to prepare such an extensive and excellent report in just a few months. The report provides us with a very comprehensive overview of the issue on our agenda. In this connection, we also wish to express our appreciation to the delegation of Canada for having taken the initiative of discussing in the Security Council the issue of the protection of civilians. It goes without saying that the Netherlands will vote in favour of the draft resolution before us.

The norm is that civilians must never be the victims of armed conflict. Reality, however, is steadily moving away from that norm. Most armed conflicts today are internal conflicts. In such conflicts, civilians are often the primary victims — not by accident, but because they are deliberately targeted or callously exploited as pawns in the political game. Restrictions on humanitarian access usually have a similar background. Innocent civilians are deliberately deprived of food and medicine as another move in the same political game. All this seems to be taken more and more for granted. Such practices blur the distinction between military and civilians and make warfare degenerate ever further into barbarity.

The Security Council can contribute to a reversal of this trend. For one, better use could be made of existing instruments of international humanitarian law. As we suggested earlier this year, the Council could call upon parties to a conflict to involve the International Fact-Finding Commission established by article 90 of Additional Protocol I to the Geneva Conventions of 1949. In relevant cases, this Commission could investigate breaches of international humanitarian law or facilitate, through its good offices, the re-emergence of an attitude of respect for international humanitarian law.

It is also important that the International Committee of the Red Cross and the United Nations maintain close cooperation on the issue of civilians in armed conflict. The Netherlands proposes that the Secretary-General's report be forwarded to the Red Cross Conference on this subject which will take place in Geneva in the beginning of November.

Humanitarian assistance is not a substitute for effective political action. The Netherlands calls for a coherent and integrated approach to conflict prevention and conflict resolution in which the diplomatic, political, military, economic and humanitarian aspects, as well as development assistance, are treated as integral parts.

In conclusion, I wish to confirm that the Netherlands subscribes to the views expressed by the representative of Finland on behalf of the European Union.

I now resume my function as President of the Security Council.

At the request of the Secretary-General, I call upon Mr. Sergio Vieira de Mello, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Vieira de Mello (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator): On behalf of the Secretary-General and, indeed, of all heads of agencies, members of the Inter-Agency Standing Committee on humanitarian affairs, let me express the gratitude of the Secretary-General and of the humanitarian community as a whole for the Council's generous reception of the report. In particular, I thank you personally, Sir, as well as Ambassador Fowler and your respective countries for the particular role you played in bringing this debate about.

We welcome the draft resolution before the Council, which reaffirms the role of the Council in responding to situations in which civilians are targeted, as has so often been the case in countries that have been affected by conflict in the last decade.

I thank the Security Council members for the rich and varied debate, as well as the non-members for their contributions yesterday and today. The seriousness of the membership's responses reflects the recognition by the Council — and more largely by the membership of the Organization — that the protection of civilians goes to the very core of the mandate of this and other organs of the United Nations. I am particularly grateful that, both in the presidential statement of February and in comments today, this concern is not one that is limited to the legal protection of civilian populations, but includes their physical protection, which is often what is lacking.

We note with particular satisfaction that the Council gave particular consideration and support to the following issues. First, it has addressed the culture of impunity and the issue of ensuring accountability for breaches of international humanitarian, human rights and refugee law. It was recognized that it is a duty of all States to hold accountable, through their national legal systems and through effective international tribunals, those responsible for the most heinous crimes. In particular, member States emphasized the importance of the International Criminal Court (ICC) and its need to step in where national judicial institutions fail to act. Several members called for compliance with the existing ad hoc tribunals and the possible creation of others, pending the establishment of the ICC. The effectiveness of an international court will depend first, obviously, on its coming into being and thereafter on the support given by member States. There was a recommendation that action be taken by the Security Council to deal with States that do not cooperate with the international tribunals, which we have noted.

Secondly, the Council addressed the issue of inducing the compliance of non-state actors with international law, including private-sector companies and private security firms. In this context, we welcome calls for States to ratify the Additional Protocols to the Geneva Conventions, particularly since the obligations which they create for non-state actors under international law are those that are most frequently violated in conflicts of the new generation.

Thirdly, regarding enforcement action, we were pleased that several members referred to the need to develop and apply objective criteria, ensuring consistency in the Security Council's action. Needless to say, the Secretary-General, when requested, will be prepared to assist.

Fourthly, in terms of comprehensive peacekeeping mandates, it was encouraging to hear members emphasize the changing perception of peacekeeping operations and the recognition that modern peacekeeping entails more comprehensive operations with extremely complex, multifaceted programmes and, indeed, more robust enforcement mandates, as has been discussed in this Council in recent days.

We were particularly encouraged by the recognition of the need for a rapid deployment capacity, including of a preventive nature, both in terms of headquarters as well as actual contingents. This is something we have been striving for over the years, and it should, in our opinion, include, in addition to military, also civilian components, including humanitarian civilian police and others.

Fifthly, as for the need to control the flow of small arms and, I might add, of heavy and more sophisticated weaponry and equipment, often in violation of this Council's decisions, this is something we have flagged in the past. We are extremely happy to see that most of the members of the Council recognized it as an important priority in terms of protecting civilian populations. We

welcome the suggestion by one of the members that arms embargoes be imposed as soon as a party to a conflict begins to target civilian populations.

Sixth is the question of the Convention on the Protection of United Nations and Associated Personnel. As you can imagine, this theme is very close to our hearts, almost on a daily basis. We are grateful for yet again overwhelming support for action to strengthen the protection of United Nations personnel. Only yesterday in Somalia a senior programme officer, a UNICEF medical doctor, was murdered in an ambush, adding his name to a very long and sad list of fatal casualties among civilian staff working for humanitarian organizations. I welcome the support expressed by some for an additional protocol to ensure better protection of all humanitarian personnel, not just those from the United Nations.

On the question of sanctions, we were pleased to hear several speakers give priority to the development of targeted and smart sanctions so as to penalize those directly responsible for wrong-doing, rather than aggravating the suffering of civilian populations. This is an area in which my office has attempted to actively support decision-making by the Council.

Other issues that were also mentioned included raising the age of recruitment for participating in hostilities; the suffering of all civilians, but particularly of women and children; the question of access; and more cooperation by the Council with other United Nations bodies and regional organizations. We are in full support of those.

In conclusion, the plight of civilians can no longer be set aside because of other interests that might be at play. The initiatives taken in this Council are heartening. Their plight should indeed be of central concern. We should treat all conflict situations around the world equally. The best way to protect civilians is, however, as was stressed, to prevent conflict, and in this context, development and combating poverty is an indispensable tool to achieve sustainable peace and stability in conflict- and post-conflict areas.

One Security Council member said the Secretary-General had done his job and it was now up to the Council to implement his recommendations. Let me assure you, however, that the Secretariat remains ready to provide every support for the mechanism which the Council will establish to follow up on the recommendations.

We did not include, in responding to some of the more critical observations, reference to all continuing conflicts. Rather, we tried to focus on those which have been most acute and have had the most acute impact on civilians in recent years. Regarding the list of countries or situations that were mentioned in the report in which United Nations personnel have lost their lives, although we are, needless to say — and I know something about that, most unfortunately — greatly concerned at the loss of life among United Nations peacekeepers. Paragraph 22 of the report lists only the countries in which United Nations humanitarian staff and other humanitarian personnel have died.

I also note that two delegations believe that the Secretary-General's proposals invite the Security Council to go beyond its mandate as contained in the Charter. But the Charter, we believe, was not intended to be a static document. It is alive. Moreover, the Secretary-General was responding to the Security Council's February request to submit concrete proposals on how to improve its ability to provide civilians with legal and physical protection. We attempted to respond to that call — your call — in an imaginative yet balanced manner. Needless to say, not everything we have suggested is the sole prerogative of the Security Council. These recommendations are addressed to the membership as a whole and to other organs of the Organization, as well as, obviously, to other actors on the international and regional scene. Do not blame us, therefore, for having attempted to respond to your own request, which provided us with immense encouragement, as did the debate in this room.

Let us not forget that the Charter begins not with the words "We the States" but "We the peoples".

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:
Argentina, Bahrain, Brazil, Canada, China, France, Gabon, Gambia, Malaysia, Namibia, Netherlands, Russian Federation, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1265 (1999).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 3.50 p.m.